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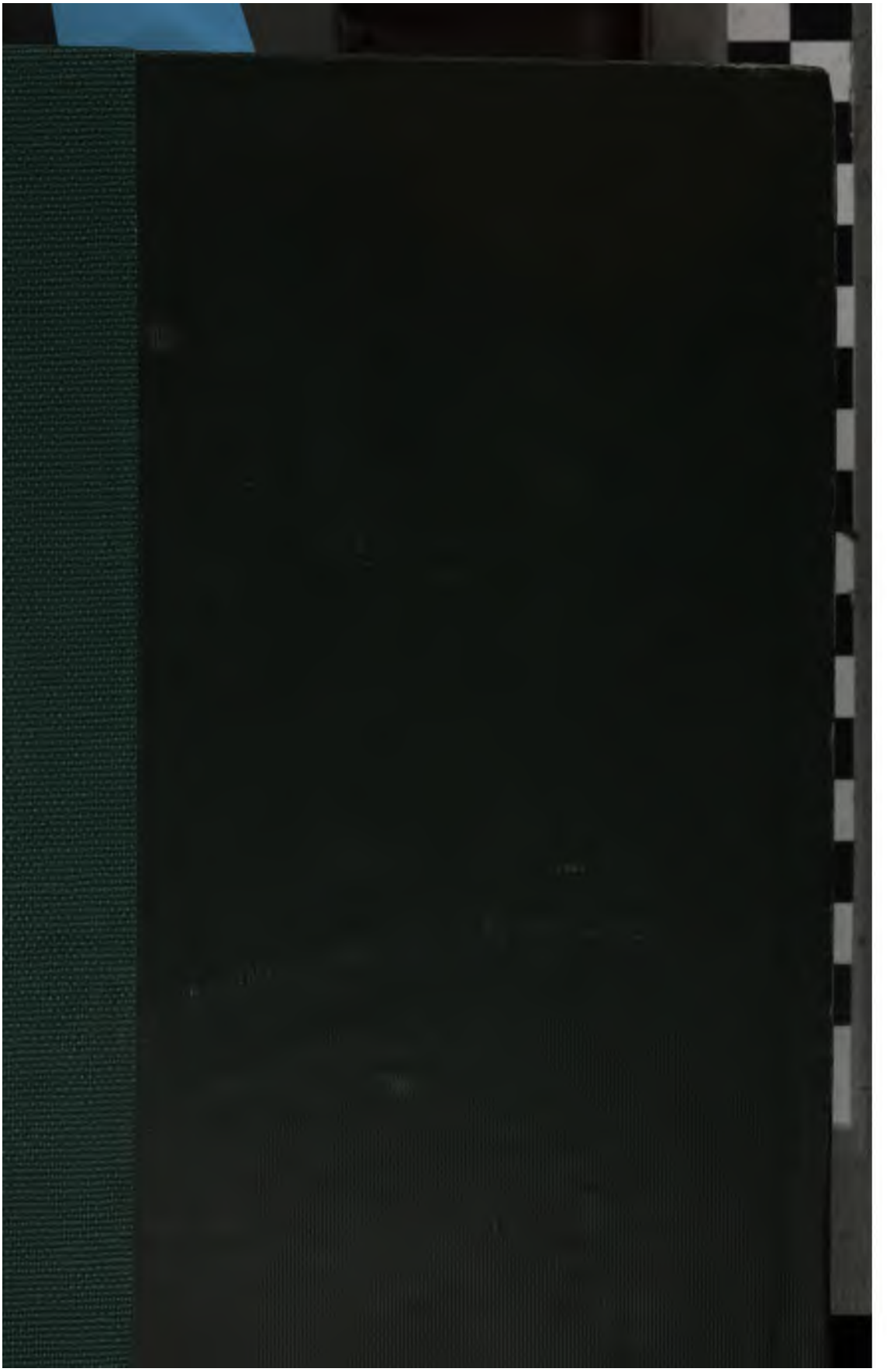
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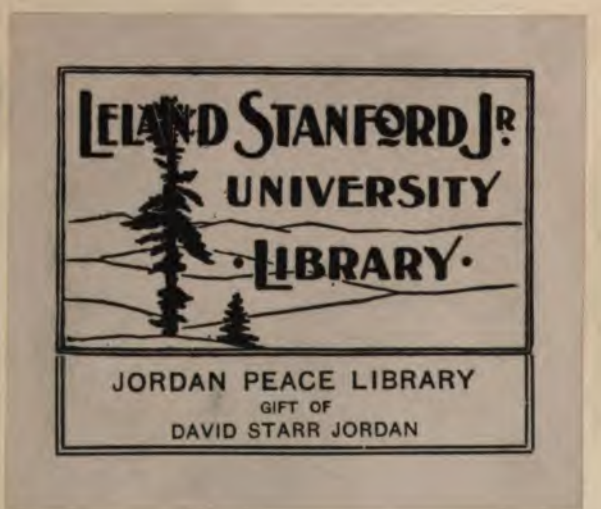
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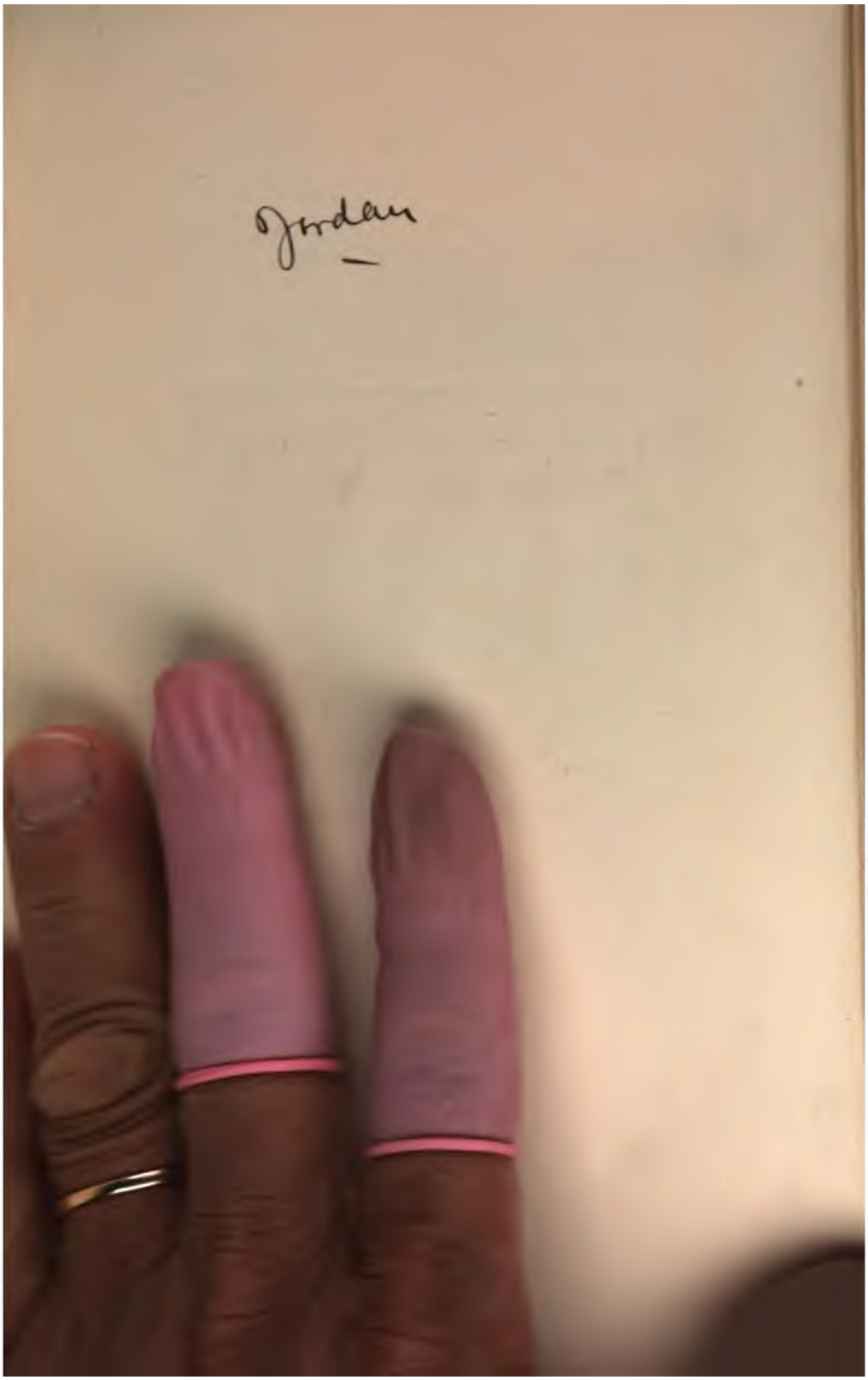
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THE HAGUE PEACE CONFERENCES

1899 AND 1907



THE HAGUE PEACE CONFERENCES

OF

1899 AND 1907

A SERIES OF LECTURES DELIVERED BEFORE THE JOHNS HOPKINS UNIVERSITY IN THE YEAR 1908

BY

JAMES BROWN SCOTT

TECHNICAL DELEGATE OF THE UNITED STATES TO THE SECOND PEACE CONFERENCE AT THE HAGUE

ASSOCIATE OF THE INSTITUTE OF INTERNATIONAL LAW

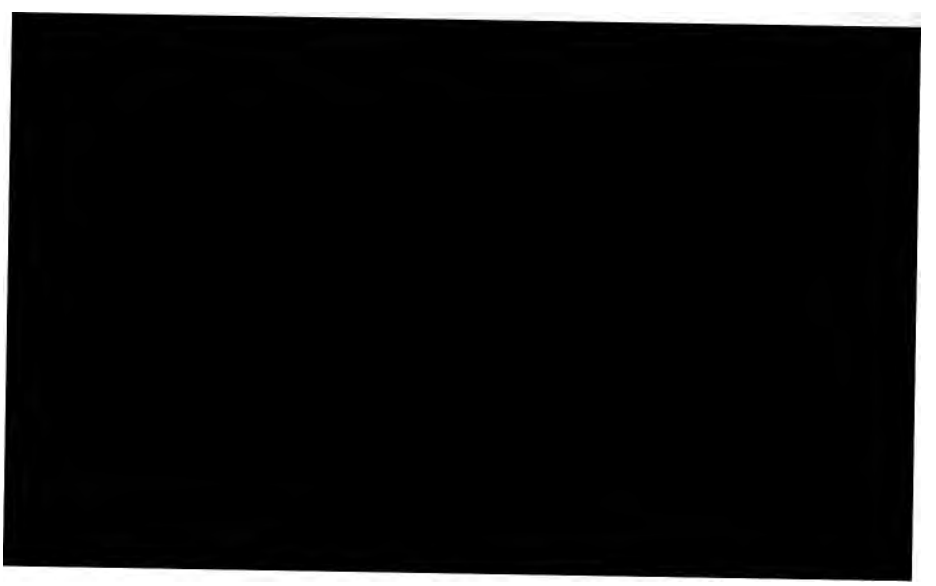
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N. B. The French text of the conferences has been compared word by word with the official copies in the Department of State, and is, it is believed, a faithful reproduction. The English translations have likewise been read with the official versions, and reproduce the official text of the Department of State, except that a few obvious misprints, and an occasional mistranslation, have been corrected.



THE HAGUE PEACE CONFERENCES

1899 AND 1907

DOCUMENTS



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CORRESPONDENCE, INSTRUCTIONS AND REPORTS CONCERNING THE FIRST PEACE CONFERENCE

RESCRIPT OF THE RUSSIAN EMPEROR[1]

AUGUST 24 (12, OLD STYLE), 1898

The maintenance of general peace, and a possible reduction of the excessive armaments which weigh upon all nations, present themselves in the existing condition of the whole world, as the ideal towards which the endeavors of all Governments should be directed.

The humanitarian and magnanimous ideas of His Majesty the Emperor, my August Master, have been won over to this view. In the conviction that this lofty aim is in conformity with the most essential interests and the legitimate views of all Powers, the Imperial Government thinks that the present moment would be very favorable for seeking, by means of international discussion, the most effectual means of insuring to all peoples the benefits of a real and durable peace, and, above all, of putting an end to the progressive development of the present armaments.

In the course of the last twenty years the longings for a general appeasement have become especially pronounced in the consciences of civilized nations. The preservation of peace has been put forward as the object of international policy; in its name great States have concluded between themselves powerful alliances; it is the better to guarantee peace that they have developed, in proportions hitherto unprecedented, their military forces, and still continue to increase them without shrinking from any sacrifice.

[1] Handed to diplomatic representatives by Count Mouravieff, Russian Foreign Minister, at weekly reception in the Foreign Office, St. Petersburg, August 24/12, 1898.

All these efforts nevertheless have not yet been able to bring about the beneficent results of the desired pacification. The financial charges following an upward march strike at the public prosperity at its very source.

The intellectual and physical strength of the nations, labor and capital, are for the major part diverted from their natural application, and unproductively consumed. Hundreds of millions are devoted to acquiring terrible engines of destruction, which, though today regarded as the last word of science, are destined tomorrow to lose all value in consequence of some fresh discovery in the same field.

National culture, economic progress, and the production of wealth are either paralyzed or checked in their development. Moreover, in proportion as the armaments of each Power increase, so do they less and less fulfill the object which the Governments have set before themselves.

The economic crises, due in great part to the system of armaments *à l'outrance*, and the continual danger which lies in this massing of war material, are transforming the armed peace of our days into a crushing burden, which the peoples have more and more difficulty in bearing. It appears evident, then, that if this state of things were prolonged, it would inevitably lead to the very cataclysm which it is desired to avert, and the horrors of which make every thinking man shudder in advance.

To put an end to these incessant armaments and to seek the means of warding off the calamities which are threatening the whole world—such is the supreme duty which is today imposed on all States.

Filled with this idea, His Majesty has been pleased to order me to propose to all the Governments whose representatives are accredited to the Imperial Court, the meeting of a conference which would have to occupy itself with this grave problem.

This conference should be, by the help of God, a happy presage for the century which is about to open. It would converge in one powerful focus the efforts of all States which are sincerely seeking to make the great idea of universal peace triumph over the elements of trouble and discord.

It would, at the same time, confirm their agreement by the solemn establishment of the principles of justice and right, upon which repose the security of States and the welfare of peoples.

RUSSIAN CIRCULAR

JANUARY 11, 1899 (DECEMBER 30, 1898, OLD STYLE)

When, in the month of August last, my August Master instructed me to propose to the Governments which have Representatives in St. Petersburg the meeting of a Conference with the object of seeking the most efficacious means for assuring to all peoples the blessings of real and lasting peace, and, above all, in order to put a stop to the progressive development of the present armaments, there appeared to be no obstacle in the way of the realization, at no distant date, of this humanitarian scheme.

The cordial reception accorded by nearly all the Powers to the step taken by the Imperial Government could not fail to strengthen this expectation. While highly appreciating the sympathetic terms in which the adhesions of most of the Powers were expressed, the Imperial Cabinet has been also able to collect, with lively satisfaction, evidence of the warmest approval which has reached it, and continues to be received, from all classes of society in various parts of the globe.

Notwithstanding the strong current of opinion which exists in favor of the ideas of general pacification, the political horizon has recently undergone a decided change. Several Powers have undertaken fresh armaments, striving to increase further their military forces, and in the presence of this uncertain situation, it might be asked whether the Powers considered the present moment opportune for the international discussion of the ideas set forth in the circular of August 12 (24, O.S.).

In the hope, however, that the elements of trouble agitating political centers will soon give place to a calmer disposition of a nature to favor the success of the proposed Conference, the Imperial Government is of opinion that it would be possible to proceed forthwith to a preliminary exchange of ideas between the Powers, with the object:

(*a*) Of seeking without delay means for putting a limit to the progressive increase of military and naval armaments, a question

the solution of which becomes evidently more and more urgent in view of the fresh extension given to these armaments; and

(*b*) Of preparing the way for a discussion of the questions relating to the possibility of preventing armed conflicts by the pacific means at the disposal of international diplomacy.

In the event of the Powers considering the present moment favorable for the meeting of a Conference on these bases it would certainly be useful for the Cabinets to come to an understanding on the subject of the programme of their labors.

The subjects to be submitted for international discussion at the Conference could, in general terms, be summarized as follows:

1. An understanding not to increase for a fixed period the present effective of the armed military and naval forces, and at the same time not to increase the Budgets pertaining thereto; and a preliminary examination of the means by which a reduction might even be effected in future in the forces and Budgets above mentioned.

2. To prohibit the use in the armies and fleets of any new kind of firearms whatever, and of new explosives, or any powders more powerful than those now in use, either for rifles or cannon.

3. To restrict the use in military warfare of the formidable explosives already existing, and to prohibit the throwing of projectiles or explosives of any kind from balloons or by any similar means.

4. To prohibit the use, in naval warfare, of submarine torpedo boats or plungers, or other similar engines of destruction; to give an undertaking not to construct, in the future, vessels with rams.

5. To apply to naval warfare the stipulations of the Geneva Convention of 1864, on the basis of the additional Articles of 1868.

6. To neutralize ships and boats employed in saving those overboard during or after an engagement.

7. To revise the Declaration concerning the laws and customs of war elaborated in 1874 by the Conference of Brussels, which has remained unratified to the present day.

8. To accept in principle the employment of good offices, of mediation and facultative arbitration in cases lending them-

selves thereto, with the object of preventing armed conflicts between nations; to come to an understanding with respect to the mode of applying these good offices, and to establish a uniform practice in using them.

It is well understood that all questions concerning the political relations of States, and the order of things established by Treaties, as in general all questions which do not directly fall within the program adopted by the Cabinets, must be absolutely excluded from the deliberations of the Conference.

In requesting you, Sir, to be good enough to apply to your Government for instructions on the subject of my present communication, I beg you at the same time to inform it that, in the interest of the great cause which my August Master has so much at heart, His Imperial Majesty considers it advisable that the Conference should not sit in the capital of one of the Great Powers, where so many political interests are centered, which might, perhaps, impede the progress of a work in which all the countries of the universe are equally interested.

I have, etc.,

[Signed] COMTE MOURAVIEFF.

INSTRUCTIONS TO THE INTERNATIONAL (PEACE) CONFERENCE AT THE HAGUE, 1899.

MR. HAY TO HON. ANDREW D. WHITE, HON. SETH LOW, HON. STANFORD NEWEL, CAPT. ALFRED T. MAHAN, U. S. N., CAPT. WILLIAM CROZIER, U. S. A., DELEGATES ON THE PART OF THE PRESIDENT OF THE UNITED STATES.

DEPARTMENT OF STATE,
WASHINGTON, April 18, 1899.

Gentlemen: You have been appointed by the President to constitute a commission to represent him at an international conference called by His Imperial Majesty the Emperor of Russia to meet at The Hague, at a time to be indicated by the Government of the Netherlands, for the purpose of discussing the most efficacious means of assuring to all peoples the "benefits of a real and durable peace."

Upon your arrival at The Hague you will effect an organization of your commission, whose records will be kept by your secretary, Hon. Frederick W. Holls. All reports and communications will be made through this Department, according to its customary forms, for preservation in the archives.

The program of topics suggested by the Russian minister of foreign affairs for discussion at the Conference in his circular of December 30, 1898, is as follows:

1. An understanding stipulating the nonaugmentation, for a term to be agreed upon, of the present effective armed land and sea forces, as well as the war budgets pertaining to them; preliminary study of the ways in which even a reduction of the aforesaid effectives and budgets could be realized in the future.

2. Interdiction of the employment in armies and fleets of new firearms of every description and of new explosives, as well as powder more powerful than the kinds used at present, both for guns and cannons.

3. Limitation of the use in field fighting of explosives of a formidable power, such as now in use, and prohibition of the discharge of any kind of projectiles or explosives from balloons or by similar means.

4. Prohibition of the use in naval battles of submarine or diving torpedo boats, or of other engines of destruction of the same nature; agreement not to construct in the future warships armed with rams.

5. Adaptation to naval war of the stipulation of the Geneva Convention of 1864, on the base of the additional articles of 1868.

6. Neutralization, for the same reason, of boats or launches employed in the rescue of the shipwrecked during or after naval battles.

7. Revision of the declaration concerning the laws and customs of war elaborated in 1874 by the Conference of Brussels, and not yet ratified.

8. Acceptance, in principle, of the use of good offices, mediation, and voluntary arbitration, in cases where they are available, with the purpose of preventing armed conflicts between nations; understanding in relation to their mode of application and establishment of a uniform practice in employing them.

It is understood that all questions concerning the political relations of States and the order of things established by treaties, as in general all the questions which shall not be included directly in the programme adopted by the cabinets, should be absolutely excluded from the deliberations of the Conference.

The first article, relating to the nonaugmentation and future reduction of effective land and sea forces, is, at present, so inapplicable to the United States that it is deemed advisable for the delegates to leave the initiative upon this subject to the representatives of those Powers to which it may properly belong. In comparison with the effective forces, both military and naval, of other nations, those of the United States, are at present so far below the normal quota that the question of limitation could not be profitably discussed.

The second, third, and fourth articles, relating to the nonemployment of firearms, explosives, and other destructive agents, the restricted use of existing instruments of destruction, and the prohibition of certain contrivances employed in naval warfare, seem lacking in practicability, and the discussion of these propositions would probably prove provocative of divergence rather than unanimity of views. It is doubtful if wars are to be diminished by rendering them less destructive, for it is the plain lesson of history that the periods of peace have been longer protracted as the cost and destructiveness of war have increased. The expediency of restraining the inventive genius of our people in the direction of devising means of defense is by no means clear, and, considering the temptations to which men

and nations may be exposed in a time of conflict, it is doubtful if an international agreement to this end would prove effective. The dissent of a single powerful nation might render it altogether nugatory. The delegates are, therefore, enjoined not to give the weight of their influence to the promotion of projects the realization of which is so uncertain.

The fifth, sixth, and seventh articles, aiming in the interest of humanity to succor those who by the chance of battle have been rendered helpless, thus losing the character of effective combatants, or to alleviate their sufferings, or to insure the safety of those whose mission is purely one of peace and beneficence, may well awake the cordial interest of the delegates, and any practicable propositions based upon them should receive their earnest support.

The eighth article, which proposes the wider extension of good offices, mediation, and arbitration, seems likely to open the most fruitful field for discussion and future action. "The prevention of armed conflicts by pacific means," to use the words of Count Mouravieff's circular of December 30, is a purpose well worthy of a great international convention, and its realization in an age of general enlightenment should not be impossible. The duty of sovereign States to promote international justice by all wise and effective means is only secondary to the fundamental necessity of preserving their own existence. Next in importance to their independence is the great fact of their interdependence. Nothing can secure for human government and for the authority of law which it represents so deep a respect and so firm a loyalty as the spectacle of sovereign and independent States, whose duty it is to prescribe the rules of justice and impose penalties upon the lawless, bowing with reverence before the august supremacy of those principles of right which give to law its eternal foundation.

The proposed Conference promises to offer an opportunity thus far unequaled in the history of the world for initiating a series of negotiations that may lead to important practical results. The long-continued and widespread interest among the people of the United States in the establishment of an international court, as evidenced in the historical résumé attached to these instructions as Annex A, gives assurance that the proposal of a definite plan of procedure by this Government for

the accomplishment of this end would express the desires and aspirations of this nation. The delegates are, therefore, enjoined to propose, at an opportune moment, the plan for an international tribunal, hereunto attached as Annex B, and to use their influence in the Conference in the most effective manner possible to procure the adoption of its substance or of resolutions directed to the same purpose. It is believed that the disposition and aims of the United States in relation to the other sovereign Powers could not be expressed more truly or opportunely than by an effort of the delegates of this Government to concentrate the attention of the world upon a definite plan for the promotion of international justice.

Since the Conference has its chief reason of existence in the heavy burdens and cruel waste of war, which nowhere affect innocent private persons more severely or unjustly than in the damage done to peaceable trade and commerce, especially at sea, the question of exempting private property from destruction or capture on the high seas would seem to be a timely one for consideration.

As the United States has for many years advocated the exemption of all private property not contraband of war from hostile treatment, you are authorized to propose to the Conference the principle of extending to strictly private property at sea, the immunity from destruction or capture by belligerent Powers which such property already enjoys on land as worthy of being incorporated in the permanent law of civilized nations.

I am, etc.,

JOHN HAY.

ANNEX A

HISTORICAL RÉSUMÉ

From time to time in the history of the United States, propositions have been made for the establishment of a system of peaceable adjustment of differences arising between nations. As early as February, 1832, the senate of Massachusetts adopted, by a vote of 19 to 5, a resolution expressing the opinion that "some mode should be established for the amicable and final

adjustment of all international disputes instead of resorting to war."

A similar resolution was unanimously passed by the house of representatives of the same State in 1837, and by the senate by a vote of 35 to 5.

A little prior to 1840 there was much popular agitation regarding the convocation of a congress of nations for the purpose of establishing the international tribunal. This idea was commended by resolutions adopted by the legislature of Massachusetts in 1844, and by the legislature of Vermont in 1852.

In February, 1851, Mr. Foote, from the Committee on Foreign Relations, reported to the Senate of the United States a resolution that

> in the judgment of this body it would be proper and desirable for the Government of the United States whenever practicable to secure in its treaties with other nations a provision for referring to the decision of umpires all future misunderstandings that can not be satisfactorily adjusted by amicable negotiation in the first instance, before a resort to hostilities shall be had.

Two years later Senator Underwood, from the same committee reported a resolution of advice to the President suggesting a stipulation in all treaties hereafter entered into with other nations referring the adjustment of any misunderstanding or controversy to the decision of disinterested and impartial arbitrators to be mutually chosen.

May 31, 1872, Mr. Sumner introduced into the Senate a resolution in which, after reviewing the historical development of municipal law and the gradual suppression of private war, and citing the progressive action of the Congress of Paris with regard to neutrals, he proposed the establishment of a tribunal to be clothed with such authority as to make it a "complete substitute for war," declaring a refusal to abide by its judgment hostile to civilization, to the end that "war may cease to be regarded as a proper form of trial between nations."

In 1874 a resolution favoring general arbitration was passed by the House of Representatives.

April 1, 1883, a confidential inquiry was addressed to Mr. Frelinghuysen, Secretary of State, by Colonel Frey, then Swiss minister to the United States, regarding the possibility of con-

cluding a general treaty of arbitration between the two countries. Mr. Frelinghuysen, citing the general policy of this country in past years, expressed his disposition to consider the proposition with favor. September 5, 1883, Colonel Frey submitted a draft of a treaty, the reception of which was acknowledged by Mr. Frelinghuysen on the 26th of the same month. This draft, adopted by the Swiss Federal Council July 24, 1883, presented a short plan of arbitration. These negotiations were referred to in the President's Annual Message for 1883, but were not concluded.

In 1888, a communication having been made to the President and Congress of the United States by two hundred and thirty-five members of the British Parliament, urging the conclusion of a treaty of arbitration between the United States and Great Britain, and reinforced by petitions and memorials from multitudes of individuals and associations from Maine to California, great enthusiasm was exhibited in its reception by eminent citizens of New York. As a result of this movement on June 13, 1888, Mr. Sherman, from the Committee on Foreign Relations, reported to the Senate a joint Resolution requesting the President

> to invite, from time to time, as fit occasions may arise, negotiations with any government with which the United States has or may have diplomatic relations, to the end that the differences or disputes arising between the two governments which can not be adjusted by diplomatic agency may be referred to arbitration, and be peaceably adjusted by such means.

November 29, 1881, Mr. Blaine, Secretary of State, invited the Governments of the American Nations to participate in a Congress to be held in the city of Washington, November 24, 1882, "for the purpose of considering and discussing the methods of preventing war between the nations of America." For special reasons the enterprise was temporarily abandoned, but was afterwards revived and enlarged in Congress, and an act was passed authorizing the calling of the International American Conference, which assembled in Washington in the autumn of 1889. On April 18, 1890, referring to this plan of arbitration, Mr. Blaine said:

> If, in this closing hour, the Conference had but one deed to celebrate, we should dare call the world's attention to the deliberate, confident, solemn dedication of two great continents to peace, and to the prosperity

which has peace for its foundation. We hold up this new *Magna Charta*, which abolishes war and substitutes arbitration between the American Republics, as the first and great fruit of the "International American Conference."

The Senate of the United States on February 14, 1890, and the House of Representatives on April 3, 1890, adopted a concurrent resolution in the language reported by Mr. Sherman to the Senate in June, 1888.

July 8, 1895, the French Chamber of Deputies unanimously resolved:

> The Chamber invites the Government to negotiate as soon as possible a permanent treaty of arbitration between the French Republic and the Republic of the United States of America.

July 16, 1893, the British House of Commons adopted the following resolution:

> *Resolved*, That this House has learnt with satisfaction that both Houses of the United States Congress have, by resolution, requested the President to invite from time to time, as fit occasions may arise, negotiations with any government with which the United States have or may have diplomatic relations, to the end that any differences or disputes arising between the two governments which can not be adjusted by diplomatic agency may be referred to arbitration and peaceably adjusted by such means; and that this House, cordially sympathizing with the purpose in view, expresses the hope that Her Majesty's Government will lend their ready coöperation to the Government of the United States upon the basis of the foregoing resolution.

December 4, 1893, President Cleveland referred to the foregoing resolution of the British House of Commons as follows:

> It affords me signal pleasure to lay this parliamentary resolution before the Congress and to express my sincere gratification that the sentiment of two great and kindred nations is thus authoritatively manifested in favor of the rational and peaceable settlement of international quarrels by honorable resort to arbitration.

These resolutions led to the exchange of communications regarding the conclusion of a permanent treaty of arbitration, suspended from the spring of 1895 to March 5, 1898, when negotiations were resumed which resulted in the signature of a treaty January 11, 1897, between the United States and Great Britain.

In his inaugural address, March 4, 1897, President McKinley said:

> Arbitration is the true method of settlement of international as well as local or individual differences. It was recognized as the best means of adjustment of differences between employers and employees by the Forty-ninth Congress in 1886, and its application was extended to our diplomatic relations by the unanimous concurrence of the Senate and House of the Fifty-first Congress in 1890. The latter resolution was accepted as the basis of negotiations with us by the British House of Commons in 1893, and upon our invitation a treaty of arbitration between the United States and Great Britain was signed at Washington and transmitted to the Senate for ratification in January last.
>
> Since this treaty is clearly the result of our own initiative, since it has been recognized as the leading feature of our foreign policy throughout our entire national history—the adjustment of difficulties by judicial methods rather than force of arms—and since it presents to the world the glorious example of reason and peace, not passion and war, controlling the relation between two of the greatest nations of the world, an example certain to be followed by others, I respectfully urge the early action of the Senate thereon, not merely as a matter of policy, but as a duty to mankind. The importance and moral influence of the ratification of such a treaty can hardly be overestimated in the cause of advancing civilization. It may well engage the best thought of the statesmen and people of every country, and I can not but consider it fortunate that it was reserved to the United States to have the leadership in so grand a work.

The Senate of the United States declined to concur in the ratification of the Treaty of Arbitration with Great Britain, but for reasons which might not affect a general treaty directed toward a similar end.

The publication by this Government of the exhaustive "History and Digest of the International Arbitrations to which the United States has been a Party," by the Hon. John Bassett Moore, late Assistant Secretary of State, a work extending through six volumes, marks a new epoch in the history of arbitration. It places beyond controversy the applicability of judicial methods to a large variety of international disagreements which have been successfully adjudicated by individual arbitrators or temporary boards of arbitration chosen by the litigants for each case. It also furnishes an exceedingly valuable body of rules of organization and procedure for the guidance of future tribunals of a similar nature. But, perhaps, its highest significance is the demonstration of the superiority of a permanent tribunal over merely special and temporary boards of arbi-

tration, with respect to economy of time and money as well as uniformity of method and procedure.

A history of the various plans for the realization of international justice shows the gradual evolution of clearer and less objectionable conceptions upon this subject. Those of Bluntschli, Lorimer, David Dudley Field, and Leone Levi have been long before the public, each containing useful suggestions, but impracticable as a whole. Certain rules for the regulation of the procedure of international tribunals of arbitration were discussed by the Institute of International Law at its sessions at Geneva in 1874, and at The Hague in 1875, and provisional rules were finally approved. Another set of rules was proposed by a select committee of lawyers at the Universal Peace Congress, held in Chicago in 1893. Resolutions of a somewhat elaborate nature were adopted by the Interparliamentary Conference, composed of British and French members of Parliament, at Brussels in 1895. In April, 1896, the Bar Association of the State of New York at a special meeting held at Albany adopted a plan for the establishment of a permanent international tribunal. The almost continuous movement of thought in this direction since 1832 has been interrupted only by the late Spanish-American war.

A careful review of all the plans for an international tribunal that have thus far been proposed makes it evident that they have failed from two causes: (1) Too great elaboration and complication, involving too many debatable questions; and (2) the absence of an opportune occasion for proposing them to an authoritative international body.

The plan that is to prove successful, if a sufficient number of sovereign States be disposed to adopt any plan whatsoever for an international tribunal, must combine an adequate grasp of the conditions with an extreme simplicity, leaving much to the coöperation of others and the development of the future.

The introduction of a brief resolution at an opportune moment in the proposed Peace Conference would at least place the United States on record as the friend and promoter of peace. The resolution hereto appended is intended to embody in the briefest and simplest manner the most useful suggestions of all the plans proposed.

ANNEX B

Plan for an International Tribunal

Resolved, That in order to aid in the prevention of armed conflicts by pacific means, the representatives of the Sovereign Powers assembled together in this Conference be, and hereby are, requested to propose to their respective Governments a series of negotiations for the adoption of a general treaty having for its object the following plan, with such modifications as may be essential to secure the adhesion of at least nine Sovereign Powers.

1. The Tribunal shall be composed of judges chosen on account of their personal integrity and learning in international law by a majority of the members of the highest court now existing in each of the adhering States, one from each sovereign State participating in the treaty, and shall hold office until their successors are appointed by the same body.

2. The Tribunal shall meet for organization at a time and place to be agreed upon by the several Governments, but not later than six months after the general treaty shall be ratified by nine Powers, and shall organize itself by the appointment of a permanent clerk and such other officers as may be found necessary, but without conferring any distinction upon its own members. The Tribunal shall be empowered to fix its place of sessions and to change the same from time to time as the interest of justice or the convenience of the litigants may seem to require, and fix its own rules of procedure.

3. The contracting nations will mutually agree to submit to the International Tribunal all questions of disagreement between them, excepting such as may relate to or involve their political independence or territorial integrity. Questions of disagreement, with the aforesaid exceptions, arising between an adherent State and a non-adhering State, or between two sovereign States not adherent to the treaty, may, with the consent of both parties in dispute, be submitted to the International Tribunal for adjudication, upon the condition expressed in Article 6.

4. The Tribunal shall be of a permanent character and shall be always open for the filing of cases and counter cases, either by the contracting nations or by others that may choose to submit them, and all cases and counter cases, with the testimony

and arguments by which they are to be supported or answered, are to be in writing. All cases, counter cases, evidence, arguments, and opinions expressing judgment are to be accessible, after a decision is rendered, to all who desire to pay the necessary charges for transcription.

5. A bench of judges for each particular case shall consist of not less than three nor more than seven, as may be deemed expedient, appointed by the unanimous consent of the Tribunal, and not to include a member who is either a native, subject, or citizen of the State whose interests are in litigation in that case.

6. The general expenses of the Tribunal are to be divided equally between the adherent Powers, but those arising from each particular case shall be provided for as may be directed by the Tribunal. The presentation of a case wherein one or both of the parties may be a non-adherent State shall be admitted only upon condition of a mutual agreement that the State against which judgment may be found shall pay, in addition to the judgment, a sum to be fixed by the Tribunal for the expenses of the adjudication.

7. Every litigant before the International Tribunal shall have the right to make an appeal for reëxamination of a case within three months after notification of the decision, upon presentation of evidence that the judgment contains a substantial error of fact or law.

8. This treaty shall become operative when nine sovereign States, whereof at least six shall have taken part in the Conference of The Hague, shall have ratified its provisions.

GENERAL REPORT OF THE COMMISSION

THE HAGUE, July 31, 1899.

THE HONORABLE JOHN HAY, *Secretary of State,*

Sir: On May 17, 1899, the American Commission to the Peace Conference of The Hague met for the first time at the house of the American Minister, The Honorable Stanford Newel, the members in the order named in the instructions from the State Department being Andrew D. White, Seth Low, Stanford Newel, Captain Alfred T. Mahan of the United States Navy, Captain William Crozier of the United States Army, and Frederick W. Holls, Secretary. Mr. White was elected President and the instructions from the Department of State were read.

On the following day the Conference was opened at the Palace known as "The House in the Wood," and delegates from the following countries, twenty-six in number, were found to be present: Germany, The United States of America, Austria-Hungary, Belgium, China, Denmark, Spain, France, Great Britain and Ireland, Greece, Italy, Japan, Luxemburg, Mexico, Montenegro, The Netherlands, Persia, Portugal, Roumania, Russia, Servia, Siam, Sweden and Norway, Switzerland, Turkey and Bulgaria.

The opening meeting was occupied mainly by proceedings of a ceremonial nature, including a telegram to the Emperor of Russia and a message of thanks to the Queen of the Netherlands, with speeches by M. de Beaufort, the Netherlands Minister of Foreign Affairs, and M. de Staal, representing Russia.

At the second meeting a permanent organization of the Conference was effected, M. de Staal being chosen President, M. de Beaufort honorary President, and M. van Karnebeek, a former Netherlands Minister of Foreign Affairs, Vice-President. A sufficient number of Secretaries was also named.

The work of the Conference was next laid out with reference to the points stated in the Mouravieff circular of December 30, 1898, and divided between three great committees as follows:

The first of these committees was upon the limitation of armaments and war budgets, the interdiction or discouragement of sundry arms and explosives which had been or might be hereafter invented, and the limitation of the use of sundry explosives, projectiles, and methods of destruction both on land and sea, as contained in Articles 1 to 4 of the Mouravieff circular.

The second great committee had reference to the extension of the Geneva Red Cross Rules of 1864 and 1868 to maritime warfare, and the revision of the Brussels Declaration of 1874 concerning the laws and customs of war and contained in Articles 5 to 7 of the same circular.

The third committee had as its subjects, mediation, arbitration, and other methods of preventing armed conflicts between nations, as referred to in Article 8 of the Mouravieff circular.

The American members of these three committees were as follows: of the first committee, Messrs. White, Mahan, Crozier; of the second committee, Messrs. White, Newel, Mahan, Crozier; of the third committee, Messrs. White, Low and Holls.

In aid of these three main committees sub-committees were appointed as follows:

The first committee referred questions of a military nature to the first sub-committee of which Captain Crozier was a member, and questions of a naval nature to the second sub-committee of which Captain Mahan was a member.

The second committee referred Articles 5 and 6, having reference to the extension of the Geneva Rules to maritime warfare to a sub-committee of which Captain Mahan was a member, and Article 7, concerning the revision of the laws and customs of war, to a sub-committee of which Captain Crozier was a member.

The third committee appointed a single sub-committee, of "examination," whose purpose was to scrutinize plans, projects, and suggestions of arbitration, and of this committee, Mr. Holls was a member.

The main steps in the progress of the work wrought by these agencies, and the part taken in it by our Commission are detailed in the accompanying reports made to the American Commission by the American members of the three committees of the Con-

ference. It will be seen from these that some of the most important features finally adopted were the result of American proposals and suggestions.

As to that portion of the work of the First Committee of the Conference which concerned the non-augmentation of armies, navies, and war budgets for a fixed term and the study of the means for eventually diminishing armies and war budgets, namely Article 1, the circumstances of the United States being so different from those which obtain in other parts of the world and especially in Europe, we thought it best, under our instructions, to abstain from taking any active part. In this connection, the following declaration was made:

> The Delegation of the United States of America has concurred in the conclusions upon the first clause of the Russian letter of December 30, 1898, presented to the Conference by the First Commission, namely: that the proposals of the Russian representatives, for fixing the amounts of effective forces and of budgets, military and naval, for periods of five and three years. cannot now be accepted, and that a more profound study upon the part of each State concerned is to be desired. But, while thus supporting what seemed to be the only practicable solution of a question submitted to the Conference by the Russian letter, the Delegation wishes to place upon the Record that the United States, in so doing, does not express any opinion as to the course to be taken by the States of Europe.
>
> This declaration is not meant to indicate mere indifference to a difficult problem, because it does not affect the United States immediately, but expresses a determination to refrain from enunciating opinions upon matters into which, as concerning Europe alone, the United States has no claim to enter. The resolution offered by M. Bourgeois, and adopted by the First Commission, received also the hearty concurrence of this Delegation, because in so doing it expresses the cordial interest and sympathy with which the United States, while carefully abstaining from anything that might resemble interference, regards all movements that are thought to tend to the welfare of Europe. The military and naval armaments of the United States are at present so small, relatively, to the extent of territory and to the number of the population, as well as in comparison with those of other nations, that their size can entail no additional burden of expense upon the latter, nor can even form a subject for profitable mutual discussion.

As to that portion of the work of the first committee which concerned the limitations of invention and the interdiction of sundry arms, explosives, mechanical agencies, and methods heretofore in use or which might possibly be hereafter adopted both as regards warfare by land and sea, namely, Articles 2, 3,

and 4, the whole matter having been divided between Captains Mahan and Crozier, so far as technical discussion was concerned, the reports made by them from time to time to the American Commission formed the basis of its final action on these subjects in the first committee and in the Conference at large.

The American Commission approached the subject of the limitation of invention with much doubt. They had been justly reminded in their instructions of the fact that by the progress of invention as applied to the agencies of war, the frequency, and indeed the exhausting character of war had been as a rule diminished rather than increased. As to details regarding missiles and methods, technical and other difficulties arose which obliged us eventually, as will be seen, to put ourselves on record in opposition to the large majority of our colleagues from other nations on sundry points. While agreeing with them most earnestly as to the end to be attained, the difference in regard to some details was irreconcilable. We feared falling into worse evils than those from which we sought to escape. The annexed Reports of Captains Mahan and Crozier will exhibit very fully these difficulties and the decisions thence arising.

As to the work of the Second great Committee of the Conference, the matters concerned in Articles 3 and 6 which related to the extension to maritime warfare of the Red Cross Rules regarding care for the wounded adopted in the Geneva Conventions of 1864 and 1868 were, as already stated, referred as regards the discussion of technical questions in the committee and sub-committee to Captain Mahan, and the matters concerned in Article 7, on the revision of the laws and customs of war were referred to Captain Crozier. On these technical questions Captains Mahan and Crozier reported from time to time to the American Commission, and these reports having been discussed both in regard to their general and special bearings, became the basis of the final action of the entire American Commission, both in the second committee and in the Conference at large.

As to the first of these subjects, the extension of the Geneva Red Cross Rules to maritime warfare, while the general purpose of the articles adopted elicited the especial sympathy of the American Commission, a neglect of what seemed to us a question of almost vital importance, namely: the determination of the

status of men picked up by the hospital ships of neutral states or by other neutral vessels, has led us to refrain from signing the Convention prepared by the Conference touching this subject, and to submit the matter, with full explanation, to the Department of State for decision.

As to the second of these subjects, the revision of the laws and customs of war, though the code adopted and embodied in the third convention commends our approval, it is of such extent and importance as to appear to need detailed consideration in connection with similar laws and customs already in force in the army of the United States, and it was thought best, therefore, to withhold our signature from this Convention, also, and to refer it to the State Department with a recommendation that it be there submitted to the proper authorities for special examination and signed, unless such examination shall disclose imperfections not apparent to the Commission.

In the Third great Committee of the Conference, which had in charge the matters concerned in Article 3 of the Russian circular, with reference to good offices, mediation, and arbitration, the proceedings of the sub-committee above referred to became especially important.

While much interest was shown in the discussions of the first of the great Committees of the Conference, and still more in those of the second, the main interest of the whole body centered more and more in the third. It was felt that a thorough provision for arbitration and its cognate subjects is the logical precursor of the limitation of standing armies and budgets, and that the true logical order is, first, arbitration and then disarmament.

As to subsidiary agencies, while our Commission contributed much to the general work regarding good offices and mediation, it contributed entirely, through Mr. Holls, the plan for "Special Mediation," which was adopted unanimously, first by the committee and finally by the Conference.

As to the plan for "International Commissions of Inquiry" which emanated from the Russian Delegation, our Commission acknowledged its probable value, and aided in elaborating it; but added to the safeguards against any possible abuse of it, as concerns the United States, by our Declaration of July 25, to be mentioned hereafter.

The functions of such commissions is strictly limited to the ascertainment of facts, and it is hoped that, both by giving time for passions to subside and by substituting truth for rumor, they may prove useful at times in settling international disputes. The Commissions of Inquiry may also form a useful auxiliary both in the exercise of Good Offices and to Arbitration.

As to the next main subject, the most important of all under consideration by the third committee—the plan of a Permanent Court or Tribunal—we were able, in accordance with our instructions, to make contributions which we believe will aid in giving such a court dignity and efficiency.

On the assembling of the Conference, the feeling regarding the establishment of an actual, permanent tribunal was evidently chaotic, with little or no apparent tendency to crystallize into any satisfactory institution. The very elaborate and, in the main, excellent proposals relating to procedure before special and temporary tribunals, which were presented by the Russian Delegation, did not at first contemplate the establishment of any such permanent institution. The American plan contained a carefully devised project for such a tribunal, which differed from that adopted mainly in contemplating a tribunal capable of meeting in full bench and permanently in the exercise of its functions, like the Supreme Court of the United States, instead of a Court like the Supreme Court of the State of New York, which never sits as a whole, but whose members sit from time to time singly or in groups, as occasion may demand. The Court of Arbitration provided for, resembles in many features the Supreme Court of the State of New York, and courts of unlimited original jurisdiction in various other States. In order to make this system effective a Council was established, composed of the diplomatic representatives of the various Powers at The Hague, and presided over by the Netherlands Minister of Foreign Affairs, which should have charge of the central office of the proposed Court, of all administrative details, and of the means and machinery for speedily calling a proper bench of judges together, and for setting the Court in action. The reasons why we acquiesced in this plan will be found in the accompanying report This compromise involving the creation of a Council and the selection of judges, not to be in session save when actually required for international litigation, was proposed

by Great Britain, and the feature of it, which provided for the admission of the Netherlands with its Minister of Foreign Affairs as President of the Council, was proposed by the American Commission. The nations generally joined in perfecting the details. It may truthfully be called, therefore, the plan of the Conference.

As to the revision of the decisions by the tribunal in case of the discovery of new facts, a subject on which our instructions were explicit, we were able, in the face of determined and prolonged opposition, to secure recognition in the Code of Procedure for the American view.

As regards the procedure to be adopted in the International Court thus provided, the main features having been proposed by the Russian Delegation, various modifications were made by other Delegations, including our own. Our Commission was careful to see that in this Code there should be nothing which could put those conversant more especially with British and American Common Law and Equity at a disadvantage. To sundry important features proposed by other Powers our own Commission gave hearty support. This was the case more especially with Article 27 proposed by France. It provides a means, through the agency of the Powers generally, for calling the attention of any nations apparently drifting into war, to the fact that the tribunal is ready to hear their contention. In this provision, broadly interpreted, we acquiesced, but endeavored to secure a clause limiting to suitable circumstances the "duty" imposed by the article. Great opposition being shown to such an amendment as unduly weakening the article, we decided to present a declaration that nothing contained in the convention should make it the duty of the United States to intrude in or become entangled with European political questions or matters of internal administration, or to relinquish the traditional attitude of our nation toward purely American questions. This declaration was received without objection by the Conference in full and open session.

As to the results thus obtained as a whole regarding arbitration, in view of all the circumstances and considerations revealed during the sessions of the Conference, it is our opinion that the "Plan for the Peaceful Adjustment of International Differences," which was adopted by the Conference, is better than that presented by any one nation. We believe that, though it will

doubtless be found imperfect and will require modification as time goes on, it will form a thoroughly practical beginning, that it will produce valuable results from the outset, and that it will be the germ out of which a better and better system will be gradually evolved.

As to the question between compulsory and voluntary arbitration, it was clearly seen, before we had been long in session, that general compulsory arbitration of questions, really likely to produce war, could not be obtained; in fact, that not one of the nations represented at the Conference was willing to embark in it so far as the more serious questions were concerned. Even as to questions of less moment it was found to be impossible to secure agreement except upon a voluntary basis. We ourselves felt obliged to insist upon the omission from the Russian list of proposed subjects for compulsory arbitration, international conventions relating to rivers, to inter-oceanic canals, and to monetary matters. Even as so amended, the plan was not acceptable to all. As a consequence, the Convention prepared by the Conference provides for voluntary arbitration only. It remains for public opinion to make this system effective. As questions arise threatening resort to arms, it may well be hoped that public opinion in the nations concerned, seeing in this great international court a means of escape from the increasing horrors of war, will insist more and more that the questions at issue be referred to it. As time goes on such reference will probably more and more seem, to the world at large, natural and normal, and we may hope that recourse to the tribunal will finally, in the great majority of serious differences between nations, become a popular means of avoiding the resort to arms. There will also be another effect worthy of consideration. This is the building up of a body of international law growing out of the decisions handed down by the judges. The procedure of the tribunal requires that reasons for such decisions shall be given, and these decisions and reasons can hardly fail to form additions of especial value to international jurisprudence.

It now remains to report the proceedings of the Conference, as well as our own action, regarding the question of the immunity of private property not contraband, from seizure on the seas in time of war. From the very beginning of our sessions it was

constantly insisted by leading representatives from nearly all the great Powers that the action of the Conference should be strictly limited to the matters specified in the Russian circular of December 30, 1898, and referred to in the invitation emanating from the Netherlands Ministry of Foreign Affairs.

Many reasons for such a limitation were obvious. The members of the Conference were, from the beginning, deluged with books, pamphlets, circulars, newspapers, broadsides, and private letters on a multitude of burning questions in various parts of the world. Considerable numbers of men and women devoted to urging these questions came to The Hague or gave notice of their coming. It was very generally believed in the Conference that the admission of any question not strictly within the limits proposed by the two circulars above mentioned would open the door to all those proposals above referred to and that this might lead to endless confusion, to heated debate, perhaps even to the wreck of the Conference and consequently to a long postponement of the objects which both those who summoned it and those who entered it had directly in view.

It was at first held by very many members of the Conference that under the proper application of the above rule, the proposal made by the American Commission could not be received. It required much and earnest argument on our part to change this view, but finally the Memorial from our Commission, which stated fully the historical and actual relation of the United States to the whole subject, was received, referred to the appropriate committee, and finally brought by it before the Conference.

In that body it was listened to with close attention and the speech of the Chairman of the Committee, who is the eminent President of the Venezuelan Arbitration Tribunal, now in session at Paris, paid a hearty tribute to the historical adhesion of the United States to the great principle concerned. He then moved that the subject be referred to a future Conference. This motion we accepted and seconded, taking occasion in doing so to restate the American doctrine on the subject, with its claims on all the nations represented at the Conference.

The Commission was thus, as we believe, faithful to one of the oldest of American traditions, and was able at least to keep the subject before the world. The way is paved also for a future

careful consideration of the subject in all its bearings and under more propitious circumstances.

The conclusions of the Peace Conference at The Hague took complete and definite shape in the final act laid before the Delegates on July 29th, for their signature. This Act embodied three Conventions, three Declarations, and seven Resolutions as follows:

First, a Convention for the peaceful adjustment of international differences. This was signed by sixteen Delegations, including that of the United States of America, there being adjoined to our signatures a reference to our declaration above referred to, made in open Conference on July 25, and recorded in the proceedings of that day.

Second, a Convention concerning the laws and customs of war on land. This was signed by fifteen Delegations. The United States Delegation refer the matter to the Government at Washington with the recommendation that it be there signed.

Third, a Convention for the adaptation to maritime warfare of the principles of the Geneva Conference of 1864. This was signed by fifteen Delegations. The United States representatives refer it, without recommendation, to the Government at Washington.

The three Declarations were as follows:

First: a Declaration prohibiting the throwing of projectiles and explosives from balloons or by other new analogous means, such prohibition to be effective during five years. This was signed by seventeen Delegations as follows: Belgium, Denmark, Spain, The United States of America, Mexico, France, Greece, Montenegro, The Netherlands, Persia, Portugal, Roumania, Russia, Siam, Sweden and Norway, Turkey and Bulgaria.

Second, a Declaration prohibiting the use of projectiles having as their sole object the diffusion of asphyxiating or deleterious gases. This, for reasons given in the accompanying documents, the American Delegation did not sign. It was signed by sixteen Delegations as follows: Belgium, Denmark, Spain, Mexico, France, Greece, Montenegro, The Netherlands, Persia, Portugal, Roumania, Russia, Siam, Sweden and Norway, Turkey and Bulgaria.

Third, a Declaration prohibiting the use of bullets which expand or flatten easily in the human body, as illustrated by

certain given details of construction. This for technical reasons, also fully stated in the report, the American Delegation did not sign. It was signed by fifteen Delegations as follows: Belgium, Denmark, Spain, Mexico, France, Greece, Montenegro, The Netherlands, Persia, Roumania, Russia, Siam, Sweden and Norway, Turkey and Bulgaria.

The seven Resolutions were as follows:

First, a Resolution that the limitation of the military charges which at present so oppress the world is greatly to be desired, for the increase of the material and moral welfare of mankind.

This ended the action of the Conference in relation to matters considered by it upon their merits. In addition the Conference passed the following resolutions, for all of which the United States Delegation voted, referring various matters to the consideration of the Powers or to future Conferences. Upon the last five resolutions a few Powers abstained from voting.

The Second Resolution was as follows: The Conference taking into consideration the preliminary steps taken by the federal government of Switzerland for the revision of the Convention of Geneva, expresses the wish that there should be in a short time a meeting of a special conference having for its object the revision of that Convention.

This Resolution was voted unanimously.

Third: The Conference expresses the wish that the question of rights and duties of neutrals should be considered at another Conference.

Fourth: The Conference expresses the wish that questions relative to muskets and marine artillery, such as have been examined by it, should be made the subject of study on the part of the governments with a view of arriving at an agreement concerning the adoption of new types and calibers.

Fifth: The Conference expresses the wish that the governments, taking into account all the propositions made at this Conference, should study the possibility of an agreement concerning the limitation of armed forces on land and sea and of war budgets.

Sixth: The Conference expresses the wish that a proposition having for its object the declaration of immunity of private property in war on the high seas, should be referred for examination to another Conference.

Seventh: The Conference expresses the wish that the proposition of regulating the question of bombardment of ports, cities, or villages by a naval force, should be referred for examination to another Conference.

It will be observed that the conditions upon which Powers not represented at the Conference can adhere to the Convention for the Peaceful Regulation of International Conflicts is to "form the subject of a later agreement between the Contracting Powers." This provision reflects the outcome of a three days' debate in the Drafting Committee as to whether this Convention should be absolutely open, or open only with the consent of the Contracting Powers. England and Italy strenuously supported the latter view. It soon became apparent that, under the guise of general propositions, the Committee was discussing political questions, of great importance at least to certain Powers. Under these circumstances the representatives of the United States took no part in the discussion, but supported by their vote the view that the Convention, in its nature, involved reciprocal obligations; and also the conclusion that political questions had no place in the Conference, and must be left to be decided by the competent authorities of the Powers represented there.

It is to be regretted that this action excludes from immediate adherence to this Convention our sister Republics of Central and South America, with whom the United States is already in similar relations by the Pan-American Treaty. It is hoped that an arrangement will soon be made which will enable these States, if they so desire, to enter into the same relations as ourselves with the Powers represented at the Conference.

This report should not be closed without an acknowledgment of the great and constant courtesy of the Government of the Netherlands and all its representatives to the American Commission as well as to all the members of the Conference. In every way they have sought to aid us in our work and to make our stay agreeable to us. The accommodations they have provided for the Conference have enhanced its dignity and increased its efficiency.

It may also be well to put on record that from the entire Conference, without exception, we have constantly received marks of kindness, and that although so many nations with different interests were represented, there has not been in any session,

whether of the Conference or of any of the committees or sub-committees, anything other than calm and courteous debate.

The text of the Final Act of the various Conventions and Declarations referred to therein, is appended to this report.

All of which is most respectfully submitted:

ANDREW D. WHITE, *President*,
SETH LOW,
STANFORD NEWEL,
A. T. MAHAN,
WILLIAM CROZIER,
FREDERICK W. HOLLS, *Secretary*.

REPORT OF CAPTAIN CROZIER TO THE COMMISSION OF THE UNITED STATES OF AMERICA TO THE INTERNATIONAL CONFERENCE AT THE HAGUE REGARDING THE WORK OF THE FIRST COMMITTEE OF THE CONFERENCE AND ITS SUB-COMMITTEE

THE HAGUE, July 31, 1899.

THE COMMISSION OF THE UNITED STATES OF AMERICA TO THE INTERNATIONAL CONFERENCE AT THE HAGUE

Gentlemen: I have the honor of submitting a résumé of the work of the First Committee of the Conference and of its First Sub-Committee, which was the military subdivision, concerning the following subjects, which are mentioned in the second and third numbered articles of the circular of Count Mouravieff of December 30, 1898 (January 11, 1899), namely: powders, explosives, field guns, balloons, and muskets; also the subject of bullets which, although not mentioned in either of the above designated articles of Count Mouravieff's circular, were considered by this Committee, notwithstanding that it would have appeared more logical to consider them under the seventh numbered article of the circular, referring to the declaration concerning the laws and customs of war made by the Brussels Conference in 1874.

The Russian representative on the First Committee was Colonel Gilinsky, and the propositions for discussion were for the

most part presented by him in the name of the Russian Government, and upon him generally devolved the duty of explaining the proposals and of supporting them in the first instance.

POWDERS

By this term was meant the propelling charge of projectiles, as distinguished from the bursting charge. The proposition presented was that which is contained in the second article of the circular, namely: an agreement not to make use of any more powerful powders than those now employed, both for field guns and muskets. There was little discussion on the proposition; in fact, the remarks of the United States Delegate were the only ones made upon the subject, and the proposition was unanimously rejected.

EXPLOSIVES

By this term was meant the bursting charges of projectiles. Two propositions were made. The first was not to make use of mining shells (*obus brisants ou à fougasses*) for field artillery. After a short discussion the proposition was decided in the negative by a vote of eleven to ten. The second proposition was not to make use of any new explosives, or of any of the class known as high explosives for the bursting charges of projectiles. This proposition was also, after a short discussion, lost by a vote of twelve to nine.

FIELD GUNS

The proposition on this subject was for the Powers to agree that no field material should be adopted of a model superior to the best material now in use in any country—those countries having inferior material to the best now in use to have the privilege of adopting such best material. During the discussion, which was extended to some length, the question divided itself into two parts, and two votes were taken upon it. The first was as to whether, in case improvements in field artillery should be forbidden, this interdiction should nevertheless permit everybody to adopt the most perfect material now in use anywhere. The vote upon this question was so accompanied by reservations and explanations, that it was impossible to state what the result of it was—the only thing evident being that the question was

not entirely understood by the voting delegates. Consequently, a second vote was taken upon the question whether the Powers should agree not to make use, for a fixed period, of any new invention in field artillery. This question was decided in the negative by a unanimous vote, with the exception of Russia and Bulgaria, which abstained from voting. The Russian Delegate, at a later period, explained that his abstention was due to the fact that the question had taken such a form that its decision in the affirmative would have prevented the adoption of rapid fire field guns, which, in the view that these were of an existing type, he desired to retain for his Government the privilege of adopting.

BALLOONS

The Sub-Committee first voted a perpetual prohibition of the use of balloons or similar new machines for throwing projectiles or explosives. In the full Committee, this subject was brought up for reconsideration by the United States Delegate and the prohibition was, by unanimous vote, limited to cover a period of five years only. The action taken was for humanitarian reasons alone, and was founded upon the opinion that balloons, as they now exist, form such an uncertain means of injury that they cannot be used with any accuracy; that the persons or objects injured by throwing explosives from them may be entirely disconnected from any conflict which may be in process, and such that their injury or destruction would be of no practical advantage to the party making use of the machines. The limitation of the interdiction of five years' operation preserves liberty of action under changed circumstances which may be produced by the progress of invention.

MUSKETS

The proposition presented under this head was that no Power should change their existing type of small arm. It will be observed that this proposition differed from that in regard to field guns, which permitted all Powers to adopt the most perfect material now in existence—the reason for the difference being explained by the Russian delegate to be that, whereas there was a great difference in the excellence of field artillery material in use in different countries, they have all adopted substantially

the same musket, and being on an equal footing, the present would be a good time to cease making changes. The object of the proposition was stated to be purely economic. It was explained that the prohibition to adopt a new type of musket would not be intended to prevent the improvement of existing types; whereupon there immediately arose a discussion as to what constituted a type and what improvements might be made without falling under the prohibition of not changing it. Efforts were made to effect a concord of views by specifying details, such as initial velocity, weight of projectile, etc., also by the proposition to limit the time for which the prohibition should hold, but no agreement could be secured. The United States delegate stated early in the discussion, on the attitude of the United States toward questions of this class, that our Government did not consider limitations in regard to the use of military inventions to be conducive to the peace of the world, and for that reason such limitation would in general not be supported by the American Commission.

A separate vote was taken upon the question whether the Powers should agree not to make use of automatic muskets, and as this may be taken as a fair example of the class of improvements which, although they may have reached such a stage as to be fairly before the world, have not yet been adopted by any nation, an analysis of the vote taken upon it may be interesting as showing the attitude of the different Powers in regard to such questions. The States voting in favor of the prohibition were Belgium, Denmark, Spain, Holland, Persia, Russia, Siam, Switzerland, and Bulgaria (nine). Those voting against it were Germany, the United States, Austria-Hungary, Great Britain, Italy, Sweden and Norway (six). And those abstaining were France, Japan, Portugal, Roumania, Servia, and Turkey (six.) From this statement it may be seen that none of the great Powers of the world, except Russia, was willing to accept restrictions in regard to military improvements when the question of increase of efficiency was involved, and that one great Power (France) abstained from expressing an opinion upon the subject.

In the Full Committee, after another effort to secure some action in the line of the proposition had failed, it was agreed that the subject should be regarded as open for the future consideration of the different Governments.

A question was also raised as to whether there should be any agreement in regard to the use of new means of destruction, which might possibly have a tendency to come into vogue, such as those depending upon electricity or chemistry. After a short discussion, in which the Russian representative declared his Government to be in favor of prohibiting the use of all such new instrumentalities because of their view that the means of destruction at present employed were quite sufficient, the question was also put aside as one for future consideration on the part of the different Powers.

The United States representative made no objection to these questions being considered as remaining open upon the general ground of not offering opposition to desired freedom of discussion, the attitude of the United States in regard to them having, however, been made known by his statement already given.

BULLETS

This subject gave rise to more active debate and to more decided differences of view than any other considered by the Sub-Committee. A formula was adopted as follows:

> The use of bullets which expand or flatten easily in the human body, such as jacketed bullets of which the jacket does not entirely cover the core or has incisions in it, should be forbidden.

When this subject came up in the Full Committee the British representative, Major-General Sir John Ardagh, made a declaration of the position of his Government on the subject, in which he described their Dum Dum bullet as one having a very small portion of the jacket removed from the point, so as to leave uncovered a portion of the core of about the size of a pin-head. He said that this bullet did not expand in such manner as to produce wounds of exceptional cruelty, but that on the contrary the wounds produced by it were in general less severe than those produced by the Snider, Martini-Henry, and other rifles of the period immediately preceding that of the adoption of the present small bore. He ascribed the bad reputation of the Dum Dum bullet to some experiments made at Tübingen in Germany with a bullet from the forward part of which the jacket, to a distance of more than a diameter, was removed. The wounds produced by this bullet were of a frightful character, and the bullets being

generally supposed to be similar to the Dum Dum in construction had probably given rise to the unfounded prejudice against the latter.

The United States Representative here for the first time took part in the discussion, advocating the abandonment of the attempt to cover the principle of prohibition of bullets producing unnecessarily cruel wounds by the specification of details of construction of the bullet, and proposing the following formula:

> The use of bullets which inflict wounds of useless cruelty, such as explosive bullets and in general every kind of bullet which exceeds the limit necessary for placing a man immediately *hors de combat*, should be forbidden.

The Committee, however, adhered to the original proposition, which it voted without acting on the substitute submitted.

The action of the Committee having left in an unsatisfactory state the record, which thus stated that the United States had pronounced against a proposition of humanitarian intent, without indicating that our Government not only stood ready to support but also proposed by its representative a formula which was believed to meet the requirements of humanity much better than the one adopted by the Committee, the United States delegate, with the approval of the Commission and in its name proposed to the Conference at its next full session the above-mentioned formula as an amendment to the one submitted to the Conference by the First Committee. In presenting the amendment he stated the objections to the Committee's proposition to be the following: First, that it forbade the use of expanding bullets, notwithstanding the possibility that they might be made to expand in such regular manner as to assume simply the form of a larger caliber, which property it might be necessary to take advantage of, if it should in the future be found desirable to adopt a musket of very much smaller caliber than any now actually in use. Second, that by thus prohibiting what might be the most humane method of increasing the shocking power of a bullet and limiting the prohibition to expanding and flattening bullets, it might lead to the adoption of one of much more cruel character than that prohibited. Third, that it condemned by designed implication, without even the introduction of any evidence against it, the use of a bullet actually employed by the army of a civilized nation.

I was careful not to defend this bullet, of which I stated that I had no knowledge other than that derived from the representations of the delegate of the Power using it, and also to state that the United States had no intention of using any bullet of the prohibited class, being entirely satisfied with the one now employed, which is of the same class as are those in common use.

The original proposition was, however, maintained by the Conference—the only negative votes being those of Great Britain and the United States. It may be stated that in taking the vote it was decided to vote first upon the proposition as it came from the Committee, instead of upon the amendment, notwithstanding the strong opposition of the United States and other Powers to this method of procedure as being contrary to ordinary parliamentary usage and preventing an expression of opinion upon the amendment submitted in the name of the United States Commission.

From this report results the advice that, of the two declarations of the Conference originating in the First Sub-Committee of the First Committee, viz: that concerning the use of balloons and that concerning the use of expanding or flattening bullets, the first only be signed by the United States Commission.

The reports of General den Beer Portugael of the work of the Sub-Committee, and of M. de Karnebeek of that of the full First Committee, are hereto annexed and marked respectively "A" and "B."

I am, gentlemen,

Very respectfully, your obedient servant,

WILLIAM CROZIER,
Captain of Ordnance, U. S. A.
Commissioner.

REPORT OF CAPTAIN MAHAN TO THE UNITED STATES COMMISSION TO THE INTERNATIONAL CONFERENCE AT THE HAGUE, ON DISARMAMENT, ETC., WITH REFERENCE TO NAVIES

THE HAGUE, July 31, 1899.

TO THE COMMISSION OF THE UNITED STATES OF AMERICA TO THE INTERNATIONAL CONFERENCE AT THE HAGUE

Gentlemen: I beg to make the following report concerning the deliberations and conclusions of the Peace Conference on the questions of disarmament, and the limitations to be placed upon the development of the weapons of war, so far as navies are concerned.

Three questions were embraced in the first four articles of the Russian Letter of December 30, 1898, and were by the Conference referred to a Committee, known as the First Committee. The latter was divided into two sub-committees, which dealt with Articles 2, 3 and 4, as they touched naval or military subjects, respectively. The general drift of these three Articles was to suggest limitations, present and prospective, upon the development of the material of war, either by increase of power, and of consequent destructive effect, in weapons now existing, or by new inventions. Article 1, which proposed to place limits upon the augmentation of numbers in the personnel of armed forces, and upon increase of expenditure in the budgets, was reserved for the subsequent consideration of the full Committee.

As regards the development of material, in the direction of power to inflict injury, there was unanimous assent to the proposition that injury should not be in excess of that clearly required to produce decisive results; but in the attempt to specify limitations in detail, insurmountable obstacles were encountered. This was due, partly to an apparent failure, beforehand, to give to the problem submitted that "*étude préalable technique,*" a wish for which, expressed by the Conference to the Governments represented, was almost the only tangible result of the deliberations.

Three propositions were, however, adopted: one, unanimously forbidding, during a term of five years, the throwing of projec-

tiles, or explosives, from balloons, or by other analogous methods. Of the two others, one, forbidding the use of projectiles the sole purpose of which was, on bursting, to spread asphyxiating or deleterious gases, was discussed mainly in the naval sub-committee. It received in that, and afterward in the full Committee, the negative vote of the United States naval delegate alone, although of the affirmative votes several were given subject to unanimity of acceptance. In the final reference to the Conference, in full session, of the question of recommending the adoption of such a prohibition, the Delegation of Great Britain voted "No," as did that of the United States.

As a certain disposition has been observed to attach odium to the view adopted by this Commission in this matter, it seems proper to state, fully and explicitly, for the information of the Government, that on the first occasion of the subject arising in Sub-Committee, and subsequently at various times in full Committee, and before the Conference, the United States naval delegate did not cast his vote silently, but gave the reasons, which at his demand were inserted in the reports of the day's proceedings. These reasons were, briefly: 1. That no shell emitting such gases is as yet in practical use, or has undergone adequate experiment; consequently, a vote taken now would be taken in ignorance of the facts as to whether the results would be of a decisive character, or whether injury in excess of that necessary to attain the end of warfare, the immediate disabling of the enemy, would be inflicted. 2. That the reproach of cruelty and perfidy, addressed against these supposed shells, was equally uttered formerly against firearms and torpedoes, both of which are now employed without scruple. Until we knew the effects of such asphyxiating shells, there was no saying whether they would be more or less merciful than missiles now permitted. 3. That it was illogical, and not demonstrably humane, to be tender about asphyxiating men with gas, when all were prepared to admit that it was allowable to blow the bottom out of an ironclad at midnight, throwing four or five hundred into the sea, to be choked by water, with scarcely the remotest chance of escape. If, and when, a shell emitting asphyxiating gases alone has been successfully produced, then, and not before, men will be able to vote intelligently on the subject.

The question of limiting armaments and budgets, military and

naval, likewise resulted in failure to reach an agreement, owing to the extensive and complicated considerations involved. A general wish was emitted that the subject in its various relations might in the future receive an attentive study on the part of the various Governments: and there was adopted without dissent a resolution proposed in the First Committee, in full session, by M. Bourgeois, the First Delegate of France, as follows:

> The Committee consider that the limitation of the military expenditures which now weigh upon the world is greatly to be desired, for the increase of the moral and material welfare of humanity.

This sentiment received the assent of the Conference also.

The military and naval delegates of the United States Commission bore a part in all the proceedings in Sub- and Full Committee; but, while joining freely in the discussion of questions relating to the development of material, reserve was maintained in treating the subject of disarmament and of limitation of budgets, as being more properly of European concern alone. To avoid the possibility of misapprehension of the position of the United States on this matter, the following statement, drawn up by the Commission, was read at the final meeting of the First Committee, July 17, when the report to be presented to the Conference was under consideration:

> The Delegation of the United States of America have concurred in the conclusions upon the first clause of the Russian Letter of December 30, 1898, presented to the Conference by the First Commission, namely: that the proposals of the Russian representatives, for fixing the amounts of effective forces and of budgets, military and naval, for periods of five and three years, cannot now be accepted, and that a more profound study on the part of each State concerned is to be desired. But, while thus supporting what seemed to be the only practicable solution of a question submitted to the Conference by the Russian letter, the Delegation wishes to place upon the Record that the United States, in so doing, does not express any opinion as to the course to be taken by the States of Europe.
>
> This declaration is not meant to indicate mere indifference to a difficult problem, because it does not affect the United States immediately, but expresses a determination to refrain from enunciating opinions upon matters into which, as concerning Europe alone, the United States has no claim to enter. The words drawn up by M. Bourgeois, and adopted by the First Commission, received also the hearty concurrence of this Delegation because in so doing, it expresses the cordial interest and sympathy with which the United States, while carefully abstaining from anything that might resem-

ble interference, regards all movements that are thought to tend to the welfare of Europe. The military and naval armanents of the United States are at present so small, relatively, to the extent of territory and to the number of population, as well as in comparison with those of other nations, that their size can entail no additional burden of expense upon the latter, nor can even form a subject for profitable mutual discussion.

I have the honor to be

Your obedient servant,

A. T. MAHAN,
Captain U. S. Navy and Delegate.

REPORT OF CAPTAIN MAHAN TO THE UNITED STATES COMMISSION TO THE INTERNATIONAL CONFERENCE AT THE HAGUE, REGARDING THE WORK OF THE SECOND COMMITTEE OF THE CONFERENCE.

THE HAGUE, July 31, 1899.

TO THE COMMISSION OF THE UNITED STATES OF AMERICA TO THE INTERNATIONAL CONFERENCE AT THE HAGUE

Gentlemen: I have the honor to submit to the Commission the following report, which I believe to be in sufficient detail, of the general proceedings, and of the conclusions reached by the Second Committee of the Conference, in relation to Articles 5 and 6 of the Russian Circular Letter of December 30, 1898.

In the original distribution of labor of the Conference, Articles 5, 6, and 7, of the said letter, were attributed to the Second Committee. The latter was divided into two Sub-Committees, to one of which was assigned the Articles 5 and 6, as both related to naval matters. Of this Sub-Committee I was a member, and it has fallen to me especially, among the United States Delegates, to follow the fortunes of the two articles named in their progress through the Sub-Committee, and through the full Committee; but not through the smaller special Committee, the *Comité de Redaction*, to which the Sub-Committee intrusted the formulation of its views. Of that *Comité de Redaction* I was not a member.

These two articles are as follows:

5. Adaptation to naval wars of the stipulations of the Geneva Convention of 1864, on the base of the Additional Articles of 1868.

6. Neutralization, for the same reason, of boats or launches employed in the rescue of the shipwrecked during or after naval battles.

The general desirability of giving to hospital vessels the utmost immunity, consistent with the vigorous prosecution of war, was generally conceded, and met, in fact, with no opposition; but it was justly remarked at the outset that measures must be taken to put under efficient control of the belligerents all hospitals ships fitted out by private benevolence, or by neutrals, whether associations or individuals. It is evident that unless such control is explicitly affirmed, and unless the various cases that may arise, in which it may be needed, are, as far as possible, foreseen and provided for, incidents may well occur which will bring into inevitable discredit the whole system of neutral vessels, hospital or others, devoted to the benevolent assistance of the sufferers in war.

The first suggestion, offered almost immediately, was that the simplest method of avoiding such inconvenience would be for the said neutral vessels, being engaged in service identical with that of belligerent hospital vessels to which it was proposed to extend the utmost possible immunity, should frankly enter the belligerent service by hoisting the flag of the belligerent to which it offered its services. This being permitted by general consent, and for purposes purely humanitarian, would constitute no breach of neutrality, while the control of either belligerent, when in presence, could be exercised without raising those vexed questions of neutral rights which the experience of maritime warfare shows to be among the most difficult and delicate problems that belligerents have to encounter.

This proposition was supported by me, as being the surest mode of avoiding difficulties easy to be foreseen, and which in my judgment are wholly unprovided for by the articles adopted by the Conference. The neutral ship is, by common consent, permitted to identify itself with the belligerent and his operations for certain laudable purposes: why not for the time assume the belligerent's flag? The reasoning of the opposition was that such vessels should be considered in the same light as national vessels, and that to require them to hoist a foreign flag would be derogatory (*porterait atteinte*) to the sovereignty of the State to which they belonged. This view prevailed.

The first three meetings of the Sub-Committee, May 25, 30 and June 1, were occupied in a general discussion of the Additional Articles of 1868, suggested by the Russian letter of December 30, 1898, as the basis of the adaptation to naval wars of the Geneva Convention of 1864. In this discussion was also embraced Article 6 of the Russian letter, relating to the neutralization of boats engaged in rescuing the shipwrecked (*naufragés*) that is, men overboard for any cause during, or after, naval battles.

At the close of the second meeting it was decided that the president of the Sub-Committee should appoint the *Comité de Redaction* before mentioned. As finally constituted, this *Comité de Redaction* contained a representative from Great Britain, from Germany, from Russia, and from France. At the close of its third session the Sub-Committee was adjourned to await the report of the *Comité de Redaction*. It again assembled and received the report of June 13; this being the fourth meeting of the Sub-Committee.

The *Comité de Redaction* embodied in ten articles the conclusions of the Sub-Committee. The articles were preceded by a lucid or comprehensive report, the work chiefly of M. Renault, the French member of the *Comité de Redaction*. This report embraces the reasoning upon which the adoption of the articles is supported. A copy of the report and of the articles (marked A) accompanies this letter.

Upon receiving the report and the articles, I pointed out to one of the members of the *Comité de Redaction*, that no adequate provision was made to meet the case of men who by accident connected with a naval engagement, such, for instance, as the sinking of their ship, were picked up by a neutral vessel. The omission was one likely to occur to an American, old enough to remember the very concrete and pertinent instance of the British yacht *Deerhound* saving the men of the *Alabama*, including her captain, who were then held to be under the protection of the neutral flag. It requires no flight of imagination to realize that a hostile commander-in-chief, whom it has always been a chief object of naval warfare to capture, as well as other valuable officers, might thus escape the hands of a victor.

At the meeting of the Sub-Committee on June 16, I drew attention to this omission when the vote was reached on

Article 6, which provides that neutral vessels of various classes, carrying sick, wounded, or shipwrecked (*naufragés*) belligerents, cannot be captured for the mere fact of this transportation; but that they do remain exposed to capture for violation of neutrality which they may have committed. I had then—unaccountably now to myself—overlooked the fact that there was an equal lack of satisfactory provision in the case of the hospital ships under neutral flags, whose presence on a scene of naval warfare is contemplated and authorized by Article 3. It was agreed that I should appear before the *Comité de Redaction*, prior to their final revision of the report and articles. This I did; but after two hours, more or less, of discussion, I failed to obtain any modification in the report or the articles. When, therefore, on the 15th of June, the matter came before the full Second Commission, I contented myself—as the articles were voted only *ad referendum*—subject to the approval of the Governments—with registering our regret that no suitable provision of the kind advocated had been made.

The matter was yet to come before the full Committee. Before it did so, I had recognized that the difficulty I had noted concerning neutral vessels other than hospital ships might arise equally as regards the latter, the presence of which was contemplated and authorized, whereas that of other neutral ships might very well be merely accidental. I accordingly drew up and submitted to the United States Commission, three additional articles, preceding these with a brief summary of the conditions which might readily occasion the contingency against which I sought to provide. This paper (annexed and marked B[1]) having received the approval of the Delegation, was read, and the articles submitted to the Second Committee in a full session, held June 20, immediately prior to the session of the Conference, at 4 p.m. the same day, to ratify the work of the Committee. The three additional articles were referred to the *Comité de Redaction* with instructions to report to the full Committee. The ten articles were then reported to the Conference and passed without opposition, under the reserve that the articles submitted by the United States Delegation were still to be considered.

Here matters rested for some time, owing, as I understand, to certain doubtful points arising in connection with the three

[1] Printed on pp. 44–46.

proposed articles, which necessitated reference to home governments by one or more of the delegations. Finally, I was informed that not only was there no possibility of a favorable report, nor, consequently, of the three proposed articles passing, but also that, if pressed to a full discussion, there could scarcely fail to be developed such difference of opinion upon the construction of the ten articles already adopted as would imperil the unanimity with which they had before been received. This information was conveyed by me to the United States Commission, and after full consideration I was by it instructed to withdraw the articles. This was accordingly done immediately by letter, on July 18, to Vice-Admiral Sir John Fisher, Chairman of the *Comité de Redaction*, and through him to the President of the Second Commission.

At the subsequent meeting of the full Conference, July 20, the withdrawal being communicated by the President of the Second Committee, it was explained that this Commission, while accepting the ten articles, and withdrawing its own suggested additions, must be understood to do so, not because of any change of opinion as to the necessity of the latter, but in order to facilitate the conclusion of the labors of the Conference; that the Commission were so seriously impressed with the defects of the ten articles, in the respects indicated, that it could sign them only with the most explicit understanding that the doubts expressed before the Second Committee would be fully conveyed to the United States Government, and the liberty of action of the latter wholly reserved, as to accepting the ten articles.

By this course the ten articles, which else might ultimately have failed of unanimous adoption, have been preserved intact, with several valuable stipulations embodied in them. But while there is much that is valuable, it seems necessary to point out to the Commission that to the hospital ships under neutral flags, mentioned in Article 3, and to neutral vessels in certain employments, under Article 6, are conceded a status and immunities hitherto unknown. While this is the case, there is not, in my opinion, in the articles any clear and adequate provision to meet such cases as were meant to be met by the three articles proposed by the Commission, and which are perfectly conceivable and possible. Upon reflection I am satisfied that no necessity exists for the authorization of hospital vessels under a neu-

tral flag upon the scene of naval war, and that the adhesion of our Government to such a scheme may be withheld without injury to any one. As regards Article 6, conceding immunities heretofore not allowed to neutral vessels—for the transport of belligerents has heretofore been a violation of neutrality, without reservation in favor of the sick and wounded—it appears to me objectionable and premature, unless accompanied by reservations in favor of the belligerent rights of capture and recapture. These the articles fail to provide explicitly. For these reasons it is my personal opinion that Articles 3 and 6 should not be accepted by the Government of the United States. If the Delegation concur in this view, I recommend that such opinion be expressed in the general report.

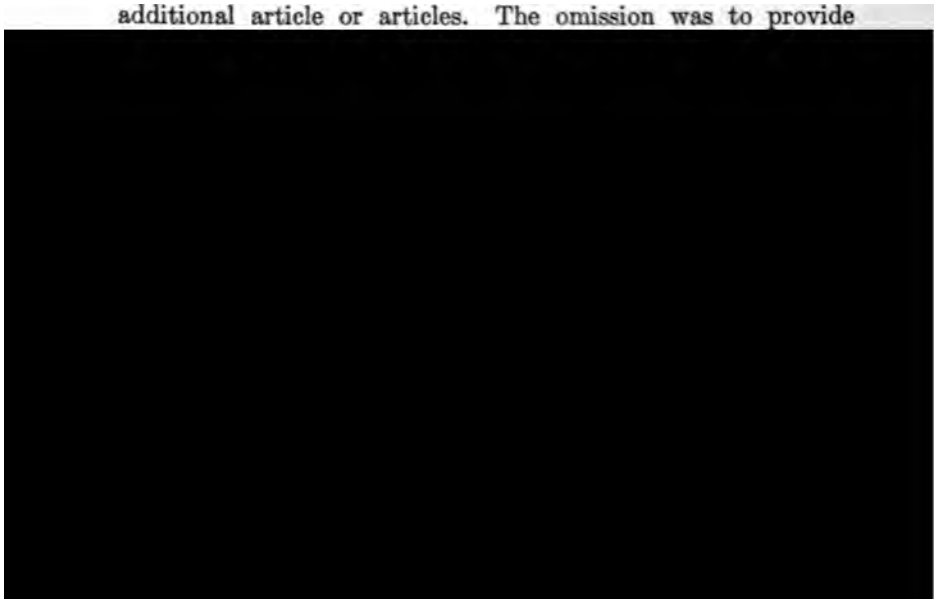
I have the honor to be

Your obedient servant,

A. T. MAHAN
Captain U. S. Navy and Delegate.

PAPER READ BY CAPTAIN MAHAN BEFORE THE SECOND COMMITTEE OF THE PEACE CONFERENCE ON JUNE 20, 1899.

It is known to the members of the Sub-Committee, by which these articles were accepted, that I have heretofore stated that there was an important omission, which I desired to rectify in an additional article or articles. The omission was to provide



is here one moment; a half-hour later it may be five miles distant. In such a battle it happens that a ship sinks; her crew become *naufragés;* the place of action shifts; it is no longer where these men are struggling for life; the light cruisers of their own side come to help, but they are not enough; the hospital ships with neutral flag come to help; neutral ships other than hospital also arrive; a certain number of *combattants naufragés* are saved on board neutral ships. To which belligerent do these men belong? It may happen that the neutral vessel, hospital or otherwise, has been with the fleet opposed to the sunken ship. After fulfilling her work of mercy, she naturally returns to that fleet. The *combattants naufragés* fall into the power of the enemy, although it is quite probable that the fleet to which they belong may have had the advantage.

I maintain that unless some provision is made to meet this difficulty, much recrimination will arise. A few private seamen, more or less, a few sub-officers, may not matter, but it is possible that a distinguished general officer, or valuable officers of lower grade may be affected. This will tend to bring into discredit the whole system for hospital ships; but further, while hospital ships, being regularly commissioned by their own Government, may be supposed to act with perfect impartiality, such presupposition is not permissible in the case of vessels named in Article 6. Unless the status of *combattants naufragés* saved by them is defined, the grossest irregularities may be expected—the notoriety of which will fully repay the class of men who would perpetrate them.

As many cases may arise, all of which it is impossible to meet specifically, I propose the following additional articles based upon the single general principle that *combattants naufragés,* being *ipso facto* combatants *hors de combat,* are incapable of serving again during the war, unless recaptured or until duly exchanged.

ADDITIONAL ARTICLES PROPOSED BY CAPTAIN MAHAN

1. In the case of neutral vessels of any kind, hospital ships or others, being on the scene of a naval engagement, which may, as an act of humanity, save men in peril of drowning, from the results of the engagement, such neutral vessels shall not be

considered as having violated their neutrality by that fact alone. They will, however, in so doing, act at their own risk and peril.

2. Men thus rescued shall not be considered under the cover of the neutral flag, in case a demand for their surrender is by a ship of war of either belligerent. They are open thus to capture, or to recapture. If such demand is made, the men so rescued must be given up, and shall then have the same status as though they had not been under a neutral flag.

3. In case no such demand is made by a belligerent ship, the men so rescued, having been delivered from the consequences of the fight by neutral interposition, are to be considered *hors de combat*, not to serve for the rest of the war, unless duly exchanged. The Contracting Governments engage to prevent as far as possible, such persons from serving until discharged.

REPORT OF CAPTAIN CROZIER TO THE COMMISSION OF THE UNITED STATES OF AMERICA TO THE INTERNATIONAL CONFERENCE AT THE HAGUE, REGARDING THE WORK OF THE SECOND SUB-COMMITTEE OF THE SECOND COMMITTEE OF THE CONFERENCE

THE HAGUE, July 31, 1899.

COMMISSION OF THE UNITED STATES OF AMERICA TO THE INTERNATIONAL CONFERENCE AT THE HAGUE

Gentlemen: I have the honor to submit a summary of the work appertaining in the first instance to the Second Sub-Committee of the Second Committee of the Conference. This Sub-Committee was charged with the revision of the declaration concerning the laws and customs of war, prepared in 1874 by the Conference of Brussels but never ratified. It is the subject indicated by article number seven of the circular of Count Mouravieff of December 30, 1898. Although the work of the Conference of Brussels was mentioned in this circular, previous publication of a code of what might be called the laws and customs of war had been made in General Order No. 100, issued from the Adjutant-General's Office of the United States Army

in 1863, having been prepared by Dr. Francis Lieber of Columbia University. A graceful allusion to this publication and acknowledgment of its value was made by the chairman of the Sub-Committee, M. de Martens of Russia, at one of its sessions.

A code of the "Laws and Customs of War on Land," comprising sixty articles, was elaborated by the Sub-Committee and by the Conference. This code, if accepted by the United States, would take the place of those portions of the present instructions for the Government of its armies in the field which are covered by its sixty articles. It would not completely take the place of these instructions for the reasons that certain subjects relating to hostilities are omitted therefrom, some because of their delicacy, such as retaliation, and reprisals, etc., others because they relate to the internal administration of an army and to the methods to be used to enforce observation of the code, as by penalties for violations. An important example of this class of omissions is found in Article 46 of the United States instructions (General Order 100) which forbids, under severe penalties, officers or soldiers from making use of their position or power in a hostile country for private commercial transactions even of such nature as would otherwise be legitimate. In regard to the omitted subjects the declaration is made that while awaiting the establishment of a more complete code of the laws of war, populations and combatants remain under the protection and exactions of the principles of the law of nations as it results from established usage, from the rules of humanity, and from the requirements of the public conscience.

The code in general presents that advance from the rules of General Order No. 100, in the direction of effort to spare the sufferings of the populations of invaded and occupied countries, to limit the acts of invaders to those required by military necessities, and to diminish what are ordinarily known as the evils of war, which might be expected from the progress of nearly forty years' thought upon the subject. It is divided into four sections and each of them into several chapters.

Section I, of three chapters, treats of the personnel of the belligerents.

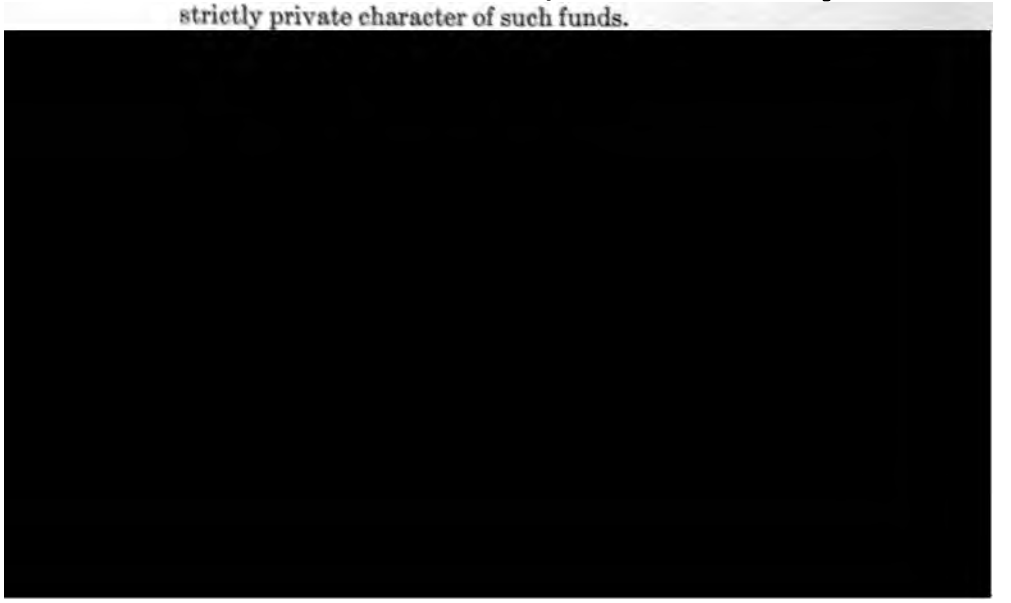
Chapter I, Articles 1 to 30, prescribes what persons are legitimate combatants and has particular reference to *levée en masse*.

Article 2 represents the extreme concession to unorganized

resistance in prescribing as the sole condition of treatment as legitimate combatants of populations of an unoccupied country suddenly invaded, without time for organization, and taking up arms in its defense, to be that they shall observe the laws and customs of war. During the discussion of this chapter an additional article was proposed for adoption by the representative of Great Britain, to the effect that nothing in it should be understood as tending to diminish or suppress the right of the population of an invaded country to fulfill it patriotic duty of offering to the invaders by all legitimate means the most strenuous resistance. The article was warmly supported by the representative of Switzerland, but was just as decidedly opposed by the representative of Germany. The proposed article was withdrawn by its author, under appeals from delegates favoring its spirit but deeming it superfluous and calculated to endanger the adoption of the portion of the code under consideration. It is the opinion of the United States representative that the withdrawal was wise, in view of the concession in Article 2 of all that is covered by the one proposed.

Chapter II, Articles 4 to 20, treats of prisoners of war.

Article 4 stipulates that their personal property, with the exception of arms, horses and military papers, shall remain in their possession. The case is not specially covered of large sums of money which may be found on the persons of prisoners or in their private luggage, and referred to in Article 72 of General Order No. 100 in such way as to throw doubt upon the strictly private character of such funds.



provide for the establishment of a bureau of information in regard to prisoners of war and prescribe its duties; also for the extension, under necessary guarantees, of all proper facilities to members of duly organized prisoners' aid societies; for franking privileges for the bureau of information; for exemption from postal and customs charges of letters, orders, money, and packages of or for prisoners of war, and of the possible advance to officers of the pay allowed by their Government in such situation, to be afterward repaid by the latter. It will be observed that in case of adoption of the code by the United States, enabling legislation by Congress will be required for the operation of these four articles.

Chapter III, Article 21, treats of the sick and wounded, and it contains only a reference to the Geneva Convention.

Section II, of five chapters, treats of acts of war. Chapter I, Articles 22 and 23, refers to legitimate means of injuring the enemy, to sieges and to bombardments.

Article 23 prohibits the issue of the declaration that no quarter will be given, not making allowance for the special case contemplated in Article 60 of General Order No. 100, of a commander in great straits, such that his own salvation makes it impossible for him to encumber himself with prisoners, nor for the retaliatory measures contemplated by Articles 61, 62, 63, and 66 of General Order No. 100. The death penalty prescribed by Article 71 of the Order, for killing or wounding a disabled enemy, is not found among the provisions of the code.

Article 23 also forbids the destruction or seizure of private property except when imperiously required by the necessities of war. During the discussion of this prohibition the United States representative stated the desire of his Government that it should extend to private property both upon land and sea, and that the revision of the declaration of the Conference of Brussels which the Powers had been invited to make, had been understood to properly include this extension, that he could not accept the decision of the chairman that the Sub-Committee was not competent to consider it, because of the limitation of the revision strictly to the subject of land warfare, although he would not insist upon an immediate decision as to such competence, asking simply that the subject be left open for further treatment by the full Committee and by the Conference. The

method of after-treatment, by which the subject was relegated to the consideration of a future Conference, is familiar to the Commission.

Article 25 forbids the bombardment of unprotected cities. It was proposed by the Italian representative that the interdiction should extend to bombardment from the sea as well as from the land, but upon the manifestation of opposition to this extension action was limited to the expression of a hope that the subject would be considered by a future conference; the representative of Great Britain abstaining from this expression because of lack of instruction upon the subject.

Chapter II, Articles 29 to 31, treats of spies. It does not prescribe the punishment to be inflicted in case of capture.

Chapter III, Articles 32 to 34, refers to flags of truce.

Chapter IV, Article 35, to capitulations.

Chapter V, Articles 36 to 41, to armistices.

Section III, of a single chapter, Articles 43 to 46, treats of the delicate subject of military authority upon hostile territory. The omission of some of its provisions was urged by the representatives of Belgium, upon the ground that they had the character of sanctioning in advance rights of an invader upon the soil and of thus organizing the régime of defeat; that rather than to do this it would be better for the population of such territory to rest under the general principle of the law of nations. The provisions were retained upon the theory that, while not acknowledging the right, the possible fact had to be admitted and that wise provision required that proper measures of protection for the population and of restrictions upon the occupying force should be taken in advance.

Article 43 is stronger in its terms than Article 3 of General Order No. 100, in requiring respect by the occupying force, unless absolutely prevented, of the laws in force in the occupied territory.

Article 26 of General Order No. 100, in regard to an oath of allegiance and fidelity on the part of magistrates and other civil officers, may require modification in view of Article 45 of the new code, although this may possibly not be necessary as the latter article mentions only populations.

Articles 48 to 54 refer to contributions and requisitions in money and kind; they are more detailed in their provisions than

the articles of General Order No. 100 referring to the same subject, but they do not differ therefrom in spirit and general purport. They express the idea that such contributions are not to be made for the purpose of increasing the wealth of the invader. The provision that the shore-ends of submarine cables might be treated in accordance with the necessities of the occupying force and that restitution should be made and damages regulated at the conclusion of peace, after having at first found entry into the code, was afterward stricken out at the instance of the British representative.

Article 46 forbids the seizure or destruction of works of art or similar objects, and is in this respect more restrictive than Article 36 of General Order No. 100, which permits the removal of such articles for the benefit of the Government of the occupying army and relegates the ultimate settlement of their ownership to the treaty of peace.

Section IV, of a single chapter, Articles 57 to 60, treats of belligerents confined, and of sick and wounded cared for, upon neutral territory, a subject not referred to in General Order No. 100. It provides generally that obligation is imposed upon the neutral to see that such persons shall not take further part in the war, but attention was invited by the United States representative to the fact that for sick and wounded simply passing through neutral territory on their way to their own country, no such provision is made. Because of anticipated difficulty in securing harmony or for other reasons the Committee did not decide the question, and a decision was not demanded by the United States representative, who could see no direct interest of the United States in question, which he had raised only in the interest of good work. During the progress of the work of the Sub-Committee expression was made, upon the initiative of the representative of Luxemburg, of the hope that the question of the regulation of the rights and duties of neutrals would form part of the programme of an early conference.

Foreign ambassadors, ministers, other diplomatic agents and consuls, whose treatment is regulated by Articles 8, 9 and 87 of General Order No. 100, are not mentioned in the new code. It is also silent upon the subject of guerillas, armed prowlers, war rebels, treachery, war traitors and guides, treated in Sections 4 and 5 of General Order No. 100.

It is not attempted to make this report a full digest of the proposed code or a complete exposition of its relations with the existing instructions for the government of the armies of the United States in the field—the object is to present such general summary as may indicate that the Convention containing the code is a proper one for the Commission to recommend the acceptance of by the Government of the United States, and also that because of the extent and importance of the subject such acceptance should be preceded by a careful examination of the code by the department of Military Law. The agreement in the Convention to issue to the armies of the Signatory Powers instructions in conformity with the code, is not understood to mean that such instructions shall contain nothing more than is found in the code itself, but that all the provisions of the code shall be met and none of them violated in such instructions. A very complete discussion of the articles of the code is contained in the report of Mr. Rolin, the official reporter of the sub-committee, which is hereto annexed and marked C.

WILLIAM CROZIER,
Captain of Ordnance, U. S. A.
Commissioner.

REPORT OF MR. WHITE, MR. LOW, AND MR. HOLLS, TO THE AMERICAN COMMISSION TO THE INTERNATIONAL CONFERENCE AT THE HAGUE, REGARDING THE WORK OF THE THIRD COMMITTEE OF THE CONFERENCE

THE HAGUE, JULY 31, 1899.

COMMISSION OF THE UNITED STATES OF AMERICA TO THE INTERNATIONAL CONFERENCE AT THE HAGUE

Gentlemen: The undersigned members of the Third Commission of the Conference, to which was referred the matter of Arbitration and Mediation, have the honor of submitting the following report regarding the work of that Committee:

The Committee on Arbitration was appointed at the second session of the Conference, held May 20, 1899; and on Tuesday,

May 23, the Committee met for the first time under the chairmanship of M. Leon Bourgeois of France. It then discussed merely routine business and adjourned until Friday, May 25. At this meeting it was decided to appoint a sub-committee called the *Comité d'Examen*, to consist of eight members, for the purpose of drafting a plan for International Arbitration and Mediation. The membership of the *Comité d'Examen* was proposed by the so-called Bureau of the Full Committee, consisting of the President, Honorary Presidents, and the Vice-President, as follows: M. Chevalier Descamps of Belgium, M. Asser of the Netherlands, M. de Martens of Russia, Professor Zorn of Germany, Professor Lammasch of Austria, M. Odier of Switzerland, Baron d'Estournelles de Constant of France, and Mr. Holls of the United States of America. The Honorary Presidents of the Committee, Sir Julian Pauncefote of England, Count Nigra of Italy, also took part in the work of the *Comité d'Examen*, as well as the President of the Conference, Baron de Staal of Russia. The *Comité d'Examen* held eighteen working sessions, all of its members being present at every session, with two exceptions caused by the absence of M. de Martens at the Venezuelan Arbitration in Paris.

On July 7, 1899, the *Comité d'Examen* presented to the full Committee the project for the peaceable settlement of international disputes, which, after discussion in the full Committee and in the Conference, was, on the 25th of July, unanimously adopted. A copy of this convention is annexed to this report. It consists of sixty-one articles, of which the first contains a general declaration regarding the maintenance of peace. Articles 2 to 8 inclusive relate to good offices and mediation; Articles 9 to 14, to international commissions of inquiry; Articles 15 to 20, to arbitral justice in general; Articles 30 to 57, to the procedure before the said court; and Articles 58 to 61, to the ratification of the convention and the like. All of these articles and the considerations which led to their adoption have been carefully discussed, on behalf of the Committee, by its reporter, M. Descamps, whose report is annexed hereto.

At the opening of the first meeting of the Third Committee of the Conference the Russians proposed a carefully-worked-out scheme:

1. For Good Offices and Mediation.

2. For Arbitrations *ad hoc*, to which was annexed a code for arbitral procedure.

3. For International Inquiries.

Sir Julian Pauncefote having been given the floor as one of the Vice-Presidents of the Conference, at once suggested a vote upon the principle of a Permanent Tribunal for International Arbitrations.

The Russians, thereupon, instantly gave notice that they also had a plan for a permanent Court which would be submitted in due course. It was thought best to discuss the principle of a permanent court only in connection with a careful discussion of definite plans, and it was therefore then resolved to send all plans bearing on this subject to the *Comité d'Examen*, together with the Russian proposals for Good Offices and Mediation.

At the meeting of the Committee, held Wednesday, May 31, the American project for an international tribunal of arbitration was presented, through the President of the Conference, M. de Staal. At about the same time, or just before, the English and the Russian plans for a permanent tribunal were also submitted. In the *Comité d'Examen* the plan proposed by Sir Julian Pauncefote was taken, by the consent of the Russians and Americans, as the basis of the Committee's work. This plan, however, has been greatly modified and enlarged, by provisions from both the American and the Russian plans, and also by suggestions made in Committee. The plan adopted by the Conference, therefore, while founded on the British proposals so far as the form of the Permanent Court is concerned, is really the work of the *Comité d'Examen*.

Compared with the original American project, it differs from it essentially in the following particulars. The fundamental idea of the American plan was a court which should not only be permanent but continuous in its functions, consisting of not less than nine judges, from whose number special benches might be chosen by the litigants; provision was also expressly made for the possibility of a session of the entire tribunal at one time. The latter idea was absolutely unacceptable to most of the Continental States. One objection raised to it was that there had not yet been sufficient experience in arbitrations to warrant a continuously sitting tribunal, so that if one were provided it would probably have nothing to do during the greater portion of the

year, and thus become an object of criticism, if not of ridicule. Another objection found expression in the fear that such a tribunal would assume a dignity and importance for which the nations were not yet prepared. The expense involved in the payment of salaries to judges whose time would be taken, was also a consideration of no little importance, and the payment of permanent salaries was looked upon as being likely to emphasize the undesirable spectacle of an international court with perhaps little to do. The plan of Sir Julian Pauncefote happily avoided these difficulties, while it yet provided a permanent court not altogether unlike the Supreme Court of the State of New York, which consists of a comparatively large number of judges who never sit as a body but who are constantly exercising judicial functions, either alone or in separate tribunals made up from among their number. This organization appears in the perfected plan adopted by the Conference.

The American plan further proposed that the tribunal for which it provided should itself appoint its secretary or clerk and supervise the administration of its own bureau or record office. When the idea of a continuously sitting tribunal was abandoned, another method of administration of the bureau or record office was made necessary. Accordingly, the proposal which has been adopted provides that as soon as nine of the Powers who have acceded to this convention have ratified it, the representatives of the signatory powers accredited to the Government of the Netherlands will meet under the presidency of the Minister of Foreign Affairs of the Netherlands and organize themselves as a permanent Council of Administration, whose first duty it will be to create a permanent Bureau of Arbitration. The Council of Administration will appoint a secretary-general, secure quarters for the court and such assistants as may be necessary, in the shape of archivists and other officials who will sit in permanence at The Hague, and who will constitute the working staff and headquarters of the international system of arbitration. The Hague was selected as the seat of the permanent tribunal, by common consent, no proposition or vote favoring any other place having been received.

The American plan provided for one judge from each adhering country. The British proposal suggested two, and on the motion of the German delegate this number was increased to not

more than four. The German delegation stated that their reason for proposing a larger number was that the Great Powers, at least, ought, in their opinion, to nominate as members of the tribunal men of eminence, not only in law, but also perhaps a diplomat and perhaps a military or naval expert. The Powers are not restricted to their own citizens in the choice of judges, and two or more Powers may unite in naming the same person. The judges to be named are to hold office for six years, and during the exercise of their functions and when outside of their own country they are to enjoy diplomatic privileges and immunities.

In place of the provision of the American proposal that the tribunal itself should fix its own rules of procedure, the Committee adopted a code of procedure proposed by the Russian delegation, with slight amendments. This code is almost identical with the rules of procedure adopted for the British and Venezuela Court of Arbitration, now in session at Paris. The authors of these rules were, it is understood, M. de Martens, President of the Court, Mr. Justice Brewer of the United States, and Lord Justice Collins of Great Britain.

The provision contained in the American plan that the cases, counter cases, depositions, arguments, and opinions of the court should, after the delivery of the judgment, be at the disposition of any one willing to pay the cost of transcription, was, by common consent, left as an administrative detail for the consideration of the Council of Administration.

The American proposal that every case submitted to the tribunal must be accompanied by a stipulation signed by both parties, to agree in good faith to abide by the decision, which was also a feature of the Russian proposals, was unanimously adopted; as was also the further American proposal that in each particular case the bench of judges should, by preference, be selected from the list of members of the tribunal. The *Comité d'Examen* was unwilling to make a categorical rule, as suggested in the American plan, that when the tribunal consisted of only three members none of them should be a native, subject, or citizen of either of the litigating States, but, on the other hand, the American objecton to tribunals consisting of only one representative of each litigating State and one umpire was embodied in the provision that, except in case of an agreement to the contrary, the tribunal should, in all cases, consist of five

members, two being nominated by each State, the four to choose the fifth. This enables the parties to have one representative each on the bench, while the majority of the tribunal may, nevertheless, consist of entirely impartial judges, who may not necessarily agree on all points with either side.

The American proposal regarding the expenses of the tribunal, that the judges should be paid only when on duty, was in effect adopted. The American proposal was the only one which contained provision for a second hearing for the correction of manifest errors. This provision was inserted in the code of procedure in a permissive form, after much opposition.

The American proposal that the Convention should be in force upon the ratification of nine States was adopted, but the restriction as to the character of these States, contained in the American plan, was omitted as unnecessary. It is substantially certain that among the first adhering States there will be eight European or American Powers, of whom at least four have been signatory Powers of the Treaty of Paris of 1856. It should be observed here that this description was made a part of the American Plan, only in order to make it clear that in the opinion of the United States Government the confirmation of a certain number of the Great Powers was essential to success.

The one distinctive feature of the American plan which was rejected on principle was that providing for the coöperation of the highest courts of each country in the selection of members of the Court of Arbitration. This idea proved absolutely unacceptable to the Continental Powers for various reasons, which have been stated to the department in our despatch Number 10. There is no highest court for the entire Empire of Austria-Hungary, and the relations between the different parts of the Empire are not calculated to make joint action by the two highest courts practicable or desirable. This is also true of Sweden and Norway. In Russia the highest court consists of a Senate of one hundred members, whose coöperation in the matter of appointment would contradict all local traditions. Besides this, the organization of the courts of nearly all Continental countries is based upon the traditions of the Roman Law, and those traditions always have excluded the idea of any action on the part of a judicial tribunal, with reference to the selection of a man or men for any particular purpose, even if the latter

were judicial in its nature. Furthermore, in several large European States, notably Germany, the rules governing the practice of the law are such as to prevent the members of the highest court from having any knowledge of the ability or reputation of many of the most noted lawyers or judges, since no one is allowed to practice before the highest court unless he is a resident of the city of its location, and a member of its particular bar, and the rules providing for appeals are very narrow in their limitations. Under these circumstances, the members of those courts are not, like our Justices of the Supreme Court of the United States, or the members of the Privy Council of Great Britain, the best possible advisers with reference to the selection of creditable legal representatives upon the great tribunal, and it was stated that in many cases they were about the last authority to whom the appointing Power would be likely to turn with success for such advice and coöperation. Under these circumstances, the adoption of this feature of our plan was hopeless from the first; but, out of courteous regard for the United States, the *Comité d'Examen* directed the reporter to mention the importance of a complete disregard of political considerations in the choice of members of the court.

It will be seen that nothing in the proposed plan of organization of the permanent tribunal is absolutely contrary to the fundamental ideas set forth in the American proposal, and the code of procedure contains nothing contrary to the principles of equity pleading in English or American courts. In view of the fact that a large majority of the members of the Arbitration Court must necessarily be Europeans trained in the principles of the Roman Law, it has been deemed important from the first to secure all possible guarantees against practice or procedure which would put nations having the Common Law as the basis of their jurisprudence at a disadvantage. It is believed that this end has been successfully accomplished.

Attention is called to the fact that the entire plan for the tribunal and its use is voluntary, so far as sovereign States are concerned. The only seeming exceptions to this rule are contained in Article 1, which provides that the Signatory Powers agree to employ their efforts for securing the pacific regulation of international differences; and Article 27, which says that the Signatory Powers consider it to be a duty, in the case where

an acute conflict threatens to break out between two or more of them, to remind those latter that the permanent court is open to them. The obligation thus imposed is not legal or diplomatic in its nature. These articles merely express a general moral duty for the performance of which each State is accountable only to itself. In order, however, to make assurance doubly sure and to leave no doubt whatever of the meaning of the Convention, as affecting the United States of America, the Commission made the following declaration in the full session of the Conference, held July 25:

> The Delegation of the United States of America, in signing the Convention regulating the peaceful adjustment of international differences, as proposed by the International Peace Conference, make the following declaration:
>
> Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions or policy or internal administration of any foreign State; nor shall anything contained in the said Convention be construed to imply a relinquishment by the United States of America of its traditional attitude toward purely American questions.

Under the reserve of this declaration the United States delegates signed the Arbitration Convention itself.

Article 8 of the Convention, providing for a special form of Mediation, was proposed individually by Mr. Holls of the United States Commission. It is fully explained in the report of M. Descamps and in the minutes of the meeting of the Committee at which it was unanimously adopted. Being purely voluntary in its character, it is at least certain that it conflicts with no American interest, while, on the contrary, it is hoped that in particular crises, when the other means provided by the Convention of keeping or restoring peace have failed, it may prove to have real and practical value. It is certain that, by the Continental States of Europe, it has been exceedingly well received.

The Convention for the peaceful adjustment of international differences, if ratified by the Senate, will require no special enabling legislation on the part of Congress, beyond the annual appropriation of a sum sufficient to pay the share of the United States of the expenses of the Arbitration Bureau at The Hague. It is provided that these expenses shall be borne by the Signa-

tory Powers in the same proportion as is now prescribed by the World's Postal Convention, so that the share, even of a great Power, will be very small.

All of which is most respectfully submitted.

ANDREW D. WHITE,
SETH LOW,
FREDERICK W. HOLLS.



TEXT OF THE FIRST PEACE CONFERENCE, 1899

CONFÉRENCE INTERNATIONALE DE LA PAIX, 1899

ACTE FINAL DE LA CONFÉRENCE INTERNATIONALE DE LA PAIX

La Conférence Internationale de la Paix, convoquée dans un haut sentiment d'humanité par Sa Majesté l'Empereur de Toutes les Russies, s'est réunie sur l'invitation du Gouvernement de Sa Majesté la Reine des Pays-Bas, à la Maison Royale du Bois, à La Haye, le 18 Mai, 1899.

Les Puissances, dont l'énumération suit, ont pris part à la Conférence, pour laquelle Elles avaient désigné les Délégués nommés ci-après:

Pour l'Allemagne:

Son Excellence le Comte de Münster, Ambassadeur d'Allemagne, à Paris, Délégué Plénipotentiaire.

M. le Baron de Stengel, Professeur à l'Université de Munich, Second Délégué.

M. le Dr. Zorn, Conseiller Intime de Justice, Professeur à l'Université de Königsberg, Délégué Scientifique.

M. le Colonel de Gross de Schwarzhoff, Commandant du 5e Regiment d'Infanterie, No. 94, Délégué Technique.

M. le Capitaine de Vaisseau Siegel, Attaché Naval à l'Ambassade Impériale à Paris, Délégué Technique.

Pour l'Autriche-Hongrie:

Son Excellence le Comte R. Welsersheimb, Ambassadeur Extraordinaire et Plénipotentiaire, Premier Délégué, Plénipotentiaire.

M. Alexandre Okolicsányi d'Okolicsna, Envoyé Extraordinaire et Ministre Plénipotentiaire à La Haye, Second Délégué, Plénipotentiaire.

M. Gaétan Mérey de Kapos-Mère, Conseiller d'Ambassade et Chef du Cabinet du Ministre des Affaires Étrangères, Délégué Adjoint.

M. Henri Lammasch, Professeur à l'Université de Vienne, Délégué Adjoint.

THE PEACE CONFERENCE OF 1899

FINAL ACT OF THE INTERNATIONAL PEACE CONFERENCE

The International Peace Conference, convoked in the best interests of humanity by His Majesty the Emperor of All the Russias, assembled, on the invitation of the Government of Her Majesty the Queen of the Netherlands, in the Royal House in the Wood at The Hague on the 18th May, 1899.

The Powers enumerated in the following list took part in the Conference, to which they appointed the Delegates named below:

For Germany:

His Excellency Count de Münster, German Ambassador at Paris, Delegate Plenipotentiary.

The Baron de Stengel, Professor at the University of Munich, Second Delegate.

Dr. Zorn, Judicial Privy Councilor, Professor at the University of Königsberg, Scientific Delegate.

Colonel de Gross de Schwarzhoff, Commandant of the 5th Regiment of Infantry, No. 94, Technical Delegate.

Captain Siegel, Naval Attaché to the Imperial Embassy at Paris, Technical Delegate.

For Austria-Hungary:

His Excellency Count R. Welsersheimb, Ambassador Extraordinary and Plenipotentiary, First Delegate, Plenipotentiary.

M. Alexandre Okolicsányi d'Okolicsna, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Second Delegate, Plenipotentiary.

M. Gaétan Mérey de Kapos-Mère, Councilor of Embassy and Chief of Cabinet of the Minister for Foreign Affairs, Assistant Delegate.

M. Henri Lammasch, Professor at the University of Vienna, Assistant Delegate.

M. Victor de Khuepach zu Ried, Zimmerlehen et Haslburg, Lieutenant-Colonel de l'État-Major Général, Délégué Adjoint.

M. le Comte Stanislas Soltyk, Capitaine de Corvette, Délégué Adjoint.

Pour la Belgique:

Son Excellence M. Auguste Beernaert, Ministre d'État, Président de la Chambre des Représentants, Délégué Plénipotentiaire.

M. le Comte de Grelle Rogier, Envoyé Extraordinaire et Ministre Plénipotentiaire à La Haye, Délégué Plénipotentiaire.

M. le Chevalier Descamps, Sénateur, Délégué Plénipotentiaire.

Pour la Chine:

M. Yang Yü, Envoyé Extraordinaire et Ministre Plénipotentiaire à Saint-Pétersbourg, Premier Délégué, Plénipotentiaire.

M. Lou-Tseng-Tsiang, Second Délégué.

M. Hoo-Wei-Teh, Second Délégué.

M. Ho-Yen-Cheng, Conseiller de Légation, Délégué Adjoint.

Pour le Danemark:

M. le Chambellan Fr. E. de Bille, Envoyé Extraordinaire et Ministre Plénipotentiaire à Londres, Premier Délégué, Plénipotentiaire.

M. J. G. F. von Schnack, Colonel d'Artillerie, ancien Ministre de la Guerre, Second Délégué, Plénipotentiaire.

Pour l'Espagne:

Son Excellence le Duc de Tetuan, ancien Ministre des Affaires Étrangères, Premier Délégué, Plénipotentiaire.

M. W. Ramirez de Villa Urrutia, Envoyé Extraordinaire et Ministre Plénipotentiaire à Bruxelles, Délégué Plénipotentiaire.

M. Arthur de Baguer, Envoyé Extraordinaire et Ministre Plénipotentiaire à La Haye, Délégué Plénipotentiaire.

M. le Comte del Serrallo, Colonel, Attaché Militaire à la Légation d'Espagne à Bruxelles, Délégué Adjoint.

Pour les États-Unis d'Amerique:

Son Excellence M. Andrew D. White, Ambassadeur des États-Unis à Berlin, Délégué Plénipotentiaire.

M. Victor de Khuepach zu Ried, Zimmerlehen and Haslburg, Lieutenant-Colonel on the General Staff, Assistant Delegate.

Count Stanislas Soltyk, Captain of Corvette, Assistant Delegate.

For Belgium:

His Excellency M. Auguste Beernaert, Minister of State, President of the Chamber of Representatives, Delegate Plenipotentiary.

The Count de Grelle Rogier, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary.

The Chevalier Descamps, Senator, Delegate Plenipotentiary.

For China:

M. Yang Yü, Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg, First Delegate, Plenipotentiary.

M. Lou-Tseng-Tsiang, Second Delegate.

M. Hoo-Wei-Teh, Second Delegate.

M. Ho-Yen-Cheng, Councilor of Legation, Assistant Delegate.

For Denmark:

Chamberlain Fr. E. de Bille, Envoy Extraordinary and Minister Plenipotentiary at London, First Delegate, Plenipotentiary.

M. J. G. F. von Schnack, Colonel of Artillery, ex-Minister for War, Second Delegate, Plenipotentiary.

For Spain:

His Excellency Duke de Tetuan, ex-Minister for Foreign Affairs, First Delegate, Plenipotentiary.

M. W. Ramirez de Villa Urrutia, Envoy Extraordinary and Minister Plenipotentiary at Brussels, Delegate Plenipotentiary.

M. Arthur de Baguer, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary.

The Count del Serrallo, Colonel, Military Attaché to the Spanish Legation at Brussels, Assistant Delegate.

For the United States of America:

His Excellency Mr. Andrew D. White, United States Ambassador at Berlin, Delegate Plenipotentiary.

L'Honorable Seth Low, Président de l'Université Columbia à New York, Délégué Plénipotentiaire.

M. Stanford Newel, Envoyé Extraordinaire et Ministre Plénipotentiaire à La Haye, Délégué Plénipotentiaire.

M. Alfred T. Mahan, Capitaine de Vaisseau, Délégué Plenipotentiaire.

M. William Crozier, Capitaine d'Artillerie, Délégué Plénipotentiaire.

M. Frederick W. Holls, Avocat à New York, Délégué et Secrétaire de la Délegation.

Pour les États-Unis Mexicains:

M. de Mier, Envoyé Extraordinaire et Ministre Plénipotentiaire à Paris, Délégué Plénipotentiaire.

M. Zenil, Ministre-Résident à Bruxelles, Délégué Plenipotentiaire.

Pour la France:

M. Léon Bourgeois, ancien Président du Conseil, ancien Ministre des Affaires Étrangères, Membre de la Chambre des Députés, Premier Délégué, Plénipotentiaire.

M. Georges Bihourd, Envoyé Extraordinaire et Ministre Plénipotentiaire à La Haye, Deuxième Délégué, Plénipotentiaire.

M. le Baron d'Estournelles de Constant, Ministre Plénipotentiaire, Membre de la Chambre des Députés, Troisième Délégué, Plénipotentiaire.

M. Mounier, Général de Brigade, Délégué Technique.

M. Péphau, Contre-Amiral, Délégué Technique.

M. Louis Renault, Professeur à la Faculté de Droit de Paris, Jurisconsulte Conseil du Ministre des Affaires Étrangères, Délégué Technique.

Pour la Grande-Bretagne et Irlande:

Son Excellence le Très Honorable Sir Julian Pauncefote, Membre du Conseil Privé de Sa Majesté, Ambassadeur Extraordinaire et Plénipotentiaire du Royaume-Uni à Washington, Premier Délégué, Plénipotentiaire.

Sir Henry Howard, Envoyé Extraordinaire et Ministre Plénipotentiaire à La Haye, Second Délégué, Plénipotentiaire.

The Honorable Seth Low, President of the Columbia University at New York, Delegate Plenipotentiary.

Mr. Stanford Newel, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary.

Captain Alfred T. Mahan, United States Navy, Delegate Plenipotentiary.

Mr. William Crozier, Captain of Artillery, Delegate Plenipotentiary.

Mr. Frederick W. Holls, Advocate at New York, Delegate and Secretary to the Delegation.

For the United States of Mexico:

M. de Mier, Envoy Extraordinary and Minister Plenipotentiary at Paris, Delegate Plenipotentiary.

M. Zenil, Minister-Resident at Brussels, Delegate Plenipotentiary.

For France:

M. Léon Bourgeois, ex-President of Council, ex-Minister for Foreign Affairs, Member of the Chamber of Deputies, First Delegate, Plenipotentiary.

M. Georges Bihourd, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Second Delegate, Plenipotentiary.

The Baron d'Estournelles de Constant, Minister Plenipotentiary, Member of the Chamber of Deputies, Third Delegate, Plenipotentiary.

M. Mounier, General of Brigade, Technical Delegate.

M. Péphau, Rear-Admiral, Technical Delegate.

M. Louis Renault, Professor à la Faculté de Droit at Paris, Legal Adviser to the Ministry for Foreign Affairs, Technical Delegate.

For Great Britain and Ireland:

His Excellency the Right Honorable Sir Julian Pauncefote, Member of Her Majesty's Privy Council, Ambassador Extraordinary and Plenipotentiary of the United Kingdom at Washington, First Delegate, Plenipotentiary.

Sir Henry Howard, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Second Delegate, Plenipotentiary.

Sir John A. Fisher, Vice-Amiral, Délégué Technique.

Sir J. C. Ardagh, General-Major, Délégué Technique.

M. le Lieutenant-Colonel C. à Court, Attaché Militaire à Bruxelles et à La Haye, Délégué Technique Adjoint.

Pour la Grèce:

M. N. Delyannis, ancien Président du Conseil, ancien Ministre des Affaires Étrangères, Envoyé Extraordinaire et Ministre Plénipotentiaire à Paris, Délégué Plénipotentiaire.

Pour l'Italie:

Son Excellence le Comte Nigra, Ambassadeur d'Italie à Vienne, Sénateur du Royaume, Premier Délégué, Plénipotentiaire.

M. le Comte A. Zannini, Envoyé Extraordinaire et Ministre Plénipotentiaire à La Haye, Deuxième Délégué, Plénipotentiare.

M. le Chevalier Guido Pompilj, Député au Parlement Italien, Troisième Délégué, Plénipotentiaire.

M. le Chevalier Louis Zuccari, Général-Major, Délégué Technique.

M. le Chevalier Auguste Bianco, Capitaine de Vaisseau, Attaché Naval à l'Ambassade Royale à Londres, Délégué Technique.

Pour le Japon:

M. le Baron Hayashi, Envoyé, Extraordinaire et Ministre Plénipotentiaire à Saint-Pétersbourg, Premier Délégué, Plénipotentiaire.

M. J. Motono, Envoyé Extraordinaire et Ministre Plénipotentiaire à Bruxelles, Second Délégué, Plénipotentiaire.

M. Uyehara, Colonel, Délégué Technique.

M. Sakamoto, Capitaine de Vaisseau, Délégué Technique.

M. Nagao Ariga, Professeur de Droit International à l'École Supérieure de Guerre et à l'École de Marine à Tokio, Délégué Technique.

Pour le Luxembourg:

Son Excellence M. Eyschen, Ministre d'État, Président du Gouvernement Grand-Ducal, Délégué Plénipotentiaire.

Sir John A. Fisher, Vice-Admiral, Technical Delegate.
Sir J. C. Ardagh, Major-General, Technical Delegate.
Lieutenant-Colonel C. à Court, Military Attaché at Brussels and The Hague, Assistant Technical Delegate.

For Greece:
M. N. Delyannis, ex-President of the Council, ex-Minister for Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary at Paris, Delegate Plenipotentiary.

For Italy:
His Excellency Count Nigra, Italian Ambassador at Vienna, Senator of the Kingdom, First Delegate, Plenipotentiary.

Count A. Zannini, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Second Delegate, Plenipotentiary.

The Chevalier Guido Pompilj, Deputy in the Italian Parliament, Third Delegate, Plenipotentiary.
The Chevalier Louis Zuccari, Major-General, Technical Delegate.
The Chevalier Auguste Bianco, Captain, Naval Attaché to the Royal Embassy at London, Technical Delegate.

For Japan:
The Baron Hayashi, Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg, First Delegate, Plenipotentiary.
M. J. Motono, Envoy Extraordinary and Minister Plenipotentiary at Brussels, Second Delegate, Plenipotentiary.
Colonel Uyehara, Technical Delegate.
Captain Sakamoto, Japanese Navy, Technical Delegate.
M. Nagao Ariga, Professor of International Law at the Superior Military School and the Naval School of Tokio, Technical Delegate.

For Luxemburg:
His Excellency M. Eyschen, Minister of State, President of the Grand Ducal Government, Delegate Plenipotentiary.

M. le Comte de Villers, Chargé d'Affaires à Berlin, Délégué Plénipotentiaire.

Pour le Monténégro:

Son Excellence M. le Conseiller Privé Actuel de Staal, Ambassadeur de Russie à Londres, Délégué Plénipotentiaire.

Pour les Pays-Bas:

M. le Jonkheer A. P. C. van Karnebeek, ancien Ministre des Affaires Étrangères, Membre de la Seconde Chambre des États-Généraux, Délégué Plénipotentiaire.

M. le Général J. C. C. den Beer Poortugael, ancien Ministre de la Guerre, Membre du Conseil d'État, Délégué Plénipotentiaire.

M. T. M. C. Asser, Membre du Conseil d'État, Délégué Plénipotentiaire.

M. E. N. Rahusen, Membre de la Première Chambre des États-Généraux, Délégué Plénipotentiaire.

M. A. P. Tadema, Capitaine de Vaisseau, Chef de l'État-Major de la Marine Néerlandaise, Délégué Technique.

Pour la Perse:

M. l'Aide-de-Camp Général Mirza Riza Khan (Arfa-ud-Dovleh), Envoyé Extraordinaire et Ministre Plénipotentiaire à Saint-Pétersbourg et à Stockholm, Premier Délégué, Plénipotentiaire.

M. Mirza Samad Khan (Montazis-Saltaneh), Conseiller de Légation à Saint-Pétersbourg, Délégué Adjoint.

Pour le Portugal:

M. le Comte de Macedo, Pair du Royaume, ancien Ministre de la Marine et des Colonies, Envoyé Extraordinaire et Ministre Plénipotentiaire à Madrid, Délégué Plénipotentiaire.

M. d'Ornellas Vasconcellos, Pair du Royaume, Envoyé Extraordinaire et Ministre Plénipotentiaire à Saint-Pétersbourg, Délégué Plénipotentiaire.

M. le Comte de Sélir, Envoyé Extraordinaire et Ministre Plénipotentiaire à La Haye, Délégué Plénipotentiaire.

M. le Capitaine de Vaisseau Augusto de Castilho, Délégué Technique.

M. le Capitaine de l'État-Major Général Ayres d'Ornellas, Délégué Technique.

The Count de Villers, Chargé d'Affaires at Berlin, Delegate Plenipotentiary.

For Montenegro:
His Excellency M. de Staal, Privy Councilor, Russian Ambassador at London, Delegate Plenipotentiary.

For the Netherlands:
M. le Jonkheer A. P. C. van Karnebeek, ex-Minister for Foreign Affairs, Member of the Second Chamber of the States-General, Delegate Plenipotentiary.
General J. C. C. den Beer Poortugael, ex-Minister for War, Member of the Council of State, Delegate Plenipotentiary.

M. T. M. C. Asser, Member of the Council of State, Delegate Plenipotentiary.
M. R. N. Rahusen, Member of the First Chamber of the States-General, Delegate Plenipotentiary.
Captain A. P. Tadema, Chief of the Staff of the Netherlands Marine, Technical Delegate.

For Persia:
Aide-de-camp General Mirza Riza Khan (Arfa-ud-Dovleh), Envoy Extraordinary and Minister Plenipotentiary of St. Petersburg and Stockholm, First Delegate, Plenipotentiary.
M. Mirza Samad Khan (Montazis-Saltaneh), Councilor of Legation at St. Petersburg, Assistant Delegate.

For Portugal:
The Count de Macedo, Peer of the Kingdom, ex-Minister of Marine and the Colonies, Envoy Extraordinary and Minister Plenipotentiary at Madrid, Delegate Plenipotentiary.
M. d'Ornellas Vasconcellos, Peer of the Kingdom, Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg, Delegate Plenipotentiary.
The Count de Sélir, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary.
Captain Augusto de Castilho, Technical Delegate.

Captain on the General Staff Ayres d'Ornellas, Technical Delegate.

Pour la Roumanie:

M. Alexandre Beldiman, Envoyé Extraordinaire et Ministre Plénipotentiaire à Berlin, Premier Délégué, Plénipotentiaire.

M. Jean N. Papiniu, Envoyé Extraordinaire et Ministre Plénipotentiaire à La Haye, Second Délégué, Plénipotentiaire.

M. le Colonel Aide-de-Camp Constantin Coanda, Directeur de l'Artillerie au Ministère de la Guerre, Délégué Technique.

Pour la Russie:

Son Excellence M. le Conseiller Privé Actuel de Staal, Ambassadeur de Russie à Londres, Délégué Plénipotentiaire.

M. de Martens, Membre Permanent du Conseil du Ministère Impérial des Affaires Étrangères, Conseiller Privé, Délégué Plénipotentiaire.

M. le Conseiller d'État Actuel de Basily, Chambellan, Directeur de Premier Département du Ministère Impérial des Affaires Étrangères, Délégué Plénipotentiaire.

M. le Conseiller d'État Actuel Raffalovich, Agent du Ministère Impérial des Finances en France, Délégué Technique.

M. Gilinsky, Colonel de l'État-Major Général, Délégué Technique.

M. le Comte Barantzew, Colonel de l'Artillerie Montée de la Garde, Délégué Technique.

M. Schéine, Capitaine de Frégate, Agent Naval de Russie en France, Délégué Technique.

M. Ovtchinnikow, Lieutenant de Vaisseau, Professeur de Jurisprudence, Délégué Technique.

Pour la Serbie:

M. Miyatovitch, Envoyé Extraordinaire et Ministre Plénipotentiaire à Londres, et à La Haye, Délégué Plénipotentiaire.

M. le Colonel Maschine, Envoyé Extraordinaire et Ministre Plénipotentiaire à Cettigné, Délégué Plénipotentiaire.

M. le Dr. Voïslave Veljkovitch, Professeur à la Faculté de Droit de Belgrade, Délégué Adjoint.

Pour le Siam:

Son Excellence Phya Suriya Nuvatr, Envoyé Extraordinaire et Ministre Plénipotentiaire à Saint-Pétersbourg et à Pairs, Premier Délégué, Plénipotentiaire.

For Roumania:

M. Alexandre Beldiman, Envoy Extraordinary and Minister Plenipotentiary at Berlin, First Delegate, Plenipotentiary.

M. Jean N. Papiniu, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Second Delegate, Plenipotentiary.

Aide-de-camp Colonel Constantin Coanda, Director of Artillery at the Ministry for War, Technical Delegate.

For Russia:

His Excellency M. de Staal, Privy Councilor, Russian Ambassador at London, Delegate Plenipotentiary.

M. de Martens, Permanent Member of the Council of the Imperial Ministry for Foreign Affairs, Privy Councilor, Delegate Plenipotentiary.

M. de Basily, Councilor of State, Chamberlain, Director of the First Department of the Imperial Ministry for Foreign Affairs, Delegate Plenipotentiary.

M. Raffalovich, Councilor of State, Agent in France of the Imperial Ministry for Finance, Technical Delegate.

M. Gilinsky, Colonel on the General Staff, Technical Delegate.

Count Barantzew, Colonel of Horse Artillery of the Guard, Technical Delegate.

Captain Schéine, Russian Naval Agent in France, Technical Delegate.

M. Ovtchinnikow, Naval Lieutenant, Professor of Jurisprudence, Technical Delegate.

For Servia:

M. Miyatovitch, Envoy Extraordinary and Minister Plenipotentiary at London and The Hague, Delegate Plenipotentiary.

Colonel Maschine, Envoy Extraordinary and Minister Plenipotentiary at Cettinjé, Delegate Plenipotentiary.

Dr. Voïslave Veljkovitch, Professor à la Faculté de Droit at Belgrade, Assistant Delegate.

For Siam:

His Excellency Phya Suriya Nuvatr, Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg and Paris, First Delegate, Plenipotentiary.

Son Excellence Phya Visuddha Suriya Sakdi, Envoyé Extraordinaire et Ministre Plénipotentiaire à La Haye et à Londres, Deuxième Délégué, Plénipotentiaire.

M. Ch. Corragioni d'Orelli, Conseiller de Légation, Troisiéme Délégué.

M. Édouard Rolin, Consul-Général de Siam en Belgique, Quatrième Délégué.

Pour la Suède et la Norvège:

M. le Baron de Bildt, Envoyé Extraordinaire et Ministre Plénipotentiaire près la Cour Royale d'Italie, Délégué Plénipotentiaire.

Suède:

M. P. H. E. Brändström, Colonel, Chef du 1er Régiment des Grenadiers de la Garde, Délégué Technique.

M. C. A. M. de Hjulhammar, Capitaine de Vaisseau, Délégué Technique.

Norvège:

M. W. Konow, Président de l'Odelsting, Délégué Technique.

M. J. J. Thaulow, Général-Major, Médecin-Général de l'Armée et de la Marine, Délégué Technique.

Pour la Suisse:

M. le Dr. Arnold Roth, Envoyé Extraordinaire et Ministre Plénipotentiaire à Berlin, Délégué Plénipotentiaire.



His Excellency Phya Visuddha Suriya Sakdi, Envoy Extraordinary and Minister Plenipotentiary at The Hague and London, Second Delegate, Plenipotentiary.

M. Ch. Corragioni d'Orelli, Councilor of Legation, Third Delegate.

M. Édouard Rolin, Siamese Consul-General in Belgium, Fourth Delegate.

For Sweden and Norway:

The Baron de Bildt, Envoy Extraordinary and Minister Plenipotentiary at the Royal Court of Italy, Delegate Plenipotentiary.

Sweden:

Colonel P. H. E. Brändström, Chief of 1st Regiment of Grenadiers of the Guard, Technical Delegate.

Captain C. A. M. de Hjulhammar, Swedish Navy, Technical Delegate.

Norway;

M. W. Konow, President of the Odelsting, Technical Delegate.

Major-General J. J. Thaulow, Surgeon-General of the Army and Navy, Technical Delegate.

For Switzerland:

Dr. Arnold Roth, Envoy Extraordinary and Minister Plenipotentiary at Berlin, Delegate Plenipotentiary.

Colonel Arnold Künzli, National Councilor, Delegate.

M. Édouard Odier, National Councilor, Delegate Plenipotentiary.

For Turkey:

His Excellency Turkhan Pasha, ex-Minister for Foreign Affairs, Member of the Council of State, First Delegate, Plenipotentiary.

Noury Bey, Secretary-General to the Ministry for Foreign Affairs, Delegate Plenipotentiary.

Abdullah Pasha, General of Division of the Staff, Delegate Plenipotentiary.

Mehemed Pasha, Rear-Admiral, Delegate Plenipotentiary.

Pour la Bulgarie:

M. le Dr. Dimitri I. Stancioff, Agent Diplomatique à Saint-Pétersbourg, Premier Délégué, Plénipotentiaire.

M. le Major Christo Hessaptchieff, Attaché Militaire à Belgrade, Second Délégué, Plénipotentiaire.

Dans une série de réunions, tenues de 18 Mai au 29 Juillet, 1899, où les Délégués précités ont été constamment animés du désir de réaliser, dans la plus large mesure possible, les vues généreuses de l'Auguste Initiateur de la Conférence et les intentions de leurs Gouvernements, la Conférence a arrêté, pour être soumis à la signature des Plénipotentiaires, le texte des Conventions et Déclarations énumérées ci-après et annexées au présent Acte:

I. Convention pour le règlement pacifique des conflits internationaux.

II. Convention concernant les lois et coutumes de la guerre sur terre.

III. Convention pour l'adaptation à la guerre maritime des principes de la Convention de Genève du 22 Août, 1864.

IV. Trois Déclarations concernant:

1. L'interdiction de lancer des projectiles et des explosifs du haut de ballons ou par d'autres modes analogues nouveaux.

2. L'interdiction de l'emploi des projectiles qui ont pour but unique de répandre des gaz asphyxiants ou délétères.

3. L'interdiction de l'emploi de balles qui s'épanouissent ou s'aplatissent facilement dans le corps humain, telles que les balles à enveloppe dure dont l'enveloppe ne couvrirait pas entièrement le noyau ou serait pourvue d'incisions.

Ces Conventions et Déclarations formeront autant d'Actes séparés. Ces Actes porteront la date de ce jour et pourront être signés jusqu'au 31 Décembre, 1899, par les Plénipotentiaires des Puissances représentées à la Conférence Internationale de la Paix à La Haye.

Obéissant aux mêmes inspirations, la Conférence a adopté à l'unanimité la Résolution suivante:

"La Conférence estime que la limitation des charges militaires qui prèsent actuellement sur le monde est grandement désirable pour l'accroissement du bien-être matériel et moral de l'humanité."

For Bulgaria:

Dr. Dimitri I. Stancioff, Diplomatic Agent at St. Petersburg, First Delegate Plenipotentiary.

Major Christo Hessaptchieff, Military Attaché at Belgrade, Second Delegate, Plenipotentiary.

In a series of meetings, between the 18th May and the 29th July, 1899, in which the constant desire of the Delegates above mentioned has been to realize, in the fullest manner possible, the generous views of the August Initiator of the Conference and the intentions of their Governments, the Conference has agreed, for submission for signature by the Plenipotentiaries, on the text of the Conventions and Declarations enumerated below and annexed to the present Act:

I. Convention for the peaceful adjustment of international differences.

II. Convention regarding the laws and customs of war by land.

III. Convention for the adaptation to maritime warfare of the principles of the Geneva Convention of the 22d August, 1864.

IV. Three Declarations:

1. To prohibit the launching of projectiles and explosives from balloons or by other similar new methods.

2. To prohibit the use of projectiles the only object of which is the diffusion of asphyxiating or deleterious gases.

3. To prohibit the use of bullets which expand or flatten easily in the human body, such as bullets with a hard envelope, of which the envelope does not entirely cover the core, or is pierced with incisions.

These Conventions and Declarations shall form so many separate Acts. These Acts shall be dated this day, and may be signed up to the 31st December, 1899, by the Plenipotentiaries of the Powers represented at the International Peace Conference at The Hague.

Guided by the same sentiments, the Conference has adopted unanimously the following Resolution:

"The Conference is of opinion that the restriction of military charges, which are at present a heavy burden on the world, is extremely desirable for the increase of the material and moral welfare of mankind."

Elle a, en outre, émis les vœux suivants:

1. La Conférence, prenant en considération les démarches préliminaires faites par le Gouvernement Fédéral Suisse pour la revision de la Convention de Genève, émet le vœu qu'il soit procédé à bref délai, à la réunion d'une Conférence spéciale ayant pour objet la révision de cette Convention.

Ce vœu a été voté l'unanimité.

2. La Conférence émet le vœu que la question des droits et des devoirs des neutres soit inscrite au programme d'une prochaine Conférence.

3. La Conférence émet le vœu que les questions relatives aux fusils et aux canons de marine, telles qu'elles ont été examinées par elle, soient mises à l'étude par les Gouvernements, en vue d'arriver à une entente concernant la mise en usage de nouveaux types et calibres.

4. La Conférence émet le vœu que les Gouvernements, tenant compte des propositions faites dans le Conférence, mettent à l' étude la possibilité d'une entente concernant la limitation des forces armées de terre et de mer et des budgets de guerre.

5. La Conférence émet le vœu que la proposition tendant à déclarer l'inviolabilité de la propriété privée dans la guerre sur mer soit renvoyée, à l'examen d'une Conférence ulterieure.

6. La Conférence émet le vœu que la proposition de régler la question de bombardement des ports, villes et villages par une force navale soit renvoyée, à l'examen d'une Conférence ultérieure.

Les cinq derniers vœux ont été votés à l'unanimité, sauf quelques abstentions.

En foi de quoi, les Plénipotentiaires ont signé le présent Acte, et y ont apposé leurs cachets.

Fait à La Haye, le 29 Juillet, 1899, en un seul exemplaire, qui sera déposé, au Ministère des Affaires Étrangères, et dont des copies, certifiées conformes, seront délivrées à toutes les Puissances représentées à la Conférence.

[Signatures.]

It has, besides, formulated the following wishes:

1. The Conference, taking into consideration the preliminary step taken by the Swiss Federal Government for the revision of the Geneva Convention, expresses the wish that steps may be shortly taken for the assembly of a Special Conference having for its object the revision of that convention.

This wish was voted unanimously.

2. The Conference expresses the wish that the questions of the rights and duties of neutrals may be inserted in the programme of a Conference in the near future.

3. The Conference expresses the wish that the questions with regard to rifles and naval guns, as considered by it, may be studied by the Governments with the object of coming to an agreement respecting the employment of new types and calibers.

4. The Conference expresses the wish that the Governments, taking into consideration the proposals made at the Conference, may examine the possibility of an agreement as to the limitation of armed forces by land and sea, and of war budgets.

5. The Conference expresses the wish that the proposal, which contemplates the declaration of the inviolability of private property in naval warfare, may be referred to a subsequent Conference for consideration.

6. The Conference expresses the wish that the proposal to settle the question of the bombardment of posts, towns, and villages by a naval force may be referred to a subsequent Conference for consideration.

The last five wishes were voted unanimously, saving some abstentions.

In faith of which, the Plenipotentiaries have signed the present Act, and have affixed their seals thereto.

Done at The Hague, 29th July, 1899, in one copy only, which shall be deposited in the Ministry for Foreign Affairs, and of which copies, duly certified, shall be delivered to all the Powers represented at the Conference.

[Signatures.]

CONVENTION POUR LE RÈGLEMENT PACIFIQUE DES CONFLITS INTERNATIONAUX

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse; Sa Majesté l'Empereur d'Autriche, Roi de Bohême, etc., et Roi Apostolique de Hongrie; Sa Majesté le Roi des Belges; Sa Majesté l'Empereur de Chine; Sa Majesté le Roi de Danemark; Sa Majesté le Roi d'Espagne et en Son Nom Sa Majesté la Reine-Régente du Royaume; le Président des États-Unis d'Amérique; le Président des États-Unis Mexicains; le Président de la République Française; Sa Majesté la Reine du Royaume-Uni de la Grande Bretagne et d'Irlande, Impératrice des Indes; Sa Majesté le Roi des Hellènes; Sa Majesté le Roi d'Italie; Sa Majesté l'Empereur du Japon; Son Altesse Royale le Grand-Duc de Luxembourg, Duc de Nassau; Son Altesse le Prince de Monténégro; Sa Majesté la Reine des Pays-Bas; Sa Majesté Impériale le Schah de Perse; Sa Majesté le Roi de Portugal et des Algarves, etc.; Sa Majesté le Roi de Roumaine; Sa Majesté l'Empereur de Toutes les Russies; Sa Majesté le Roi de Serbie; Sa Majesté le Roi de Siam; Sa Majesté le Roi de Suède et de Norvège; le Conseil Fédéral Suisse; Sa Majesté l'Empereur des Ottomans et Son Altesse Royale le Prince de Bulgarie.

Animés de la ferme volonté de concourir au maintien de la paix générale;

Résolus à favoriser de tous leurs efforts le règlement amiable des conflits internationaux;

Reconnaissant la solidarité qui unit les membres de la société des nations civilisées;

Voulant étendre l'empire du droit et fortifier le sentiment de la justice internationale;

Convaincus que l'institution permanente d'une juridiction arbitrale, accessible à tous, au sein des Puissances indépendantes, peut contribuer efficacement à ce résultat;

Considérant les avantages d'une organisation générale et régulière de la procédure arbitrale;

Estimant, avec l'Auguste Initiateur de la Conférence Internationale de la Paix, qu'il importe de consacrer dans un accord international les principes d'équité et de droit sur lesquels reposent la sécurité des États et le bienêtre des peuples;

CONVENTION FOR THE PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES

His Majesty the Emperor of Germany, King of Prussia; His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary; His Majesty the King of the Belgians; His Majesty the Emperor of China; His Majesty the King of Denmark; His Majesty the King of Spain and in His Name Her Majesty the Queen Regent of the Kingdom; the President of the United States of America; the President of the United Mexican States; the President of the French Republic; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the King of the Hellenes; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; His Highness the Prince of Montenegro; Her Majesty the Queen of the Netherlands; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, etc.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden and Norway; the Swiss Federal Council; His Majesty the Emperor of the Ottomans and His Royal Highness the Prince of Bulgaria.

Animated by a strong desire to concert for the maintenance of the general peace;

Resolved to second by their best efforts the friendly settlement of international disputes;

Recognizing the solidarity which unites the members of the society of civilized nations;

Desirous of extending the empire of law, and of strengthening the appreciation of international justice;

Convinced that the permanent institution of a Court of Arbitration, accessible to all, in the midst of the independent Powers, will contribute effectively to this result;

Having regard to the advantages attending the general and regular organization of arbitral procedure;

Sharing the opinion of the August Initiator of the International Peace Conference that it is expedient to record in an International Agreement the principles of equity and right on which are based the security of States and the welfare of peoples;

Désirant conclure une Convention à cet effet, one nommé pour Leurs Plénipotentiaires, savoir:

[Noms]

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme; sont convenus des dispositions suivantes:

Titre I.—Du Maintien de la Paix Générale

Article 1

En vue de prévenir autant que possible le recours à la force dans les rapports entre les États, les Puissances signataires conviennent d'employer tous leurs efforts pour assurer le règlement pacifique des différends internationaux.

Titre II.—Des Bons Offices et de la Médiation

Article 2

En cas de dissentiment grave ou de conflit, avant d'en appeler aux armes, les Puissances signataires conviennent d'avoir recours, en tant que les circonstances le permettront, aux bons offices ou à la médiation d'une ou de plusieurs Puissances amies.

Article 3

Indépendamment de ce recours, les Puissances signataires jugent utile qu'une ou plusieurs Puissances étrangères au conflit offrent de leur propre initiative, en tant qui les circonstances s'y prêtent, leurs bons offices ou leur médiation aux États en conflit.

Le droit d'offrir les bons offices ou la médiation appartient aux Puissances étrangères au conflit, même pendant le cours des hostilités.

L'exercice de ce droit ne peut jamais être considéré par l'une ou l'autre des Parties en litige comme un acte peu amical.

Article 4

Le rôle de médiateur consiste à concilier les prétentions opposées et à apaiser les ressentiments qui peuvent s'être produits entre les États en conflit.

Being desirous of concluding a Convention to this effect, have appointed as their Plenipotentiaries, to wit:

[Names]

Who, after communication of their full powers, found in good and due form, have agreed on the following provisions:

Title I—On the Maintenance of the General Peace

Article 1

With a view to obviating, as far as possible, recourse to force in the relations between States, the Signatory Powers agree to use their best efforts to insure the pacific settlement of international differences.

Title II—On Good Offices and Mediation

Article 2

In case of serious disagreement or conflict, before an appeal to arms, the Signatory Powers agree to have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly Powers.

Article 3

Independently of this recourse, the Signatory Powers recommend that one or more Powers, strangers to the dispute, should on their own initiative, and as far as circumstances may allow, offer their good offices or mediation to the States at variance.

Powers, strangers to the dispute, have the right to offer good offices or mediation, even during the course of hostilities.

The exercise of this right can never be regarded by one or the other of the parties in conflict as an unfriendly act.

Article 4

The part of the mediator consists in reconciling the opposing claims and appeasing the feelings of resentment which may have arisen between the States at variance.

ARTICLE 5

Les fonctions de médiateur cessent du moment où il est constaté, soit par l'une des Parties en litige, soit par le médiateur lui-même, que les moyens de conciliation proposés par lui ne sont pas acceptés.

ARTICLE 6

Les bons offices et la médiation, soit sur le recours des Parties en conflit, soit sur l'initiative des Puissances étrangères au conflit, ont exclusivement le caractère de conseil et n'ont jamais force obligatoire.

ARTICLE 7

L'acceptation de la médiation ne peut avoir pour effet, sauf convention contraire, d'interrompre, de retarder ou d'entraver la mobilisation et autres mesures préparatoires à la guerre.

Si elle intervient après l'ouverture des hostilités, elle n'interrompt pas, sauf convention contraire, les opérations militaires en cours.

ARTICLE 8

Les Puissances signataire ssont d'accord pour recommander l'application, dans les circonstances qui le permettent, d'une médiation spéciale sous la forme suivante:

En cas de différend grave compromettant la paix, les États en conflit choisissent respectivement une Puissance à laquelle ils confient la mission d'entrer en rapport direct avec la Puissance choisie d'autre part, à l'effet de prévenir la rupture des relations pacifiques.

Pendant la durée de ce mandat dont le terme, sauf stipulation contraire, ne peut excéder trente jours, les États en litige cessent tout rapport direct au sujet du conflit, lequel est considéré comme déféré exclusivement aux Puissances médiatrices. Celles-ci doivent appliquer tous leurs efforts à régler le différend.

En cas de rupture effective des relations pacifiques, ces Puissances demeurent chargées de la mission commune de profiter de toute occasion pour rétablir la paix.

ARTICLE 5

The functions of the mediator are at an end when once it is declared, either by one of the parties to the dispute, or by the mediator himself, that the means of reconciliation proposed by him are not accepted.

ARTICLE 6

Good offices and mediation, either at the request of the parties at variance, or on the initiative of Powers strangers to the dispute, have exclusively the character of advice and never have binding force.

ARTICLE 7

The acceptance of mediation can not, unless there be an agreement to the contrary, have the effect of interrupting, delaying, or hindering mobilization or other measures of preparation for war.

If mediation occurs after the commencement of hostilities, it causes no interruption to the military operations in progress, unless there be an agreement to the contrary.

ARTICLE 8

The Signatory Powers are agreed in recommending the application, when circumstances allow, of special mediation in the following form:

In case of a serious difference endangering the peace, the States at variance choose respectively a Power, to whom they intrust the mission of entering into direct communication with the Power chosen on the other side, with the object of preventing the rupture of pacific relations.

For the period of this mandate, the term of which, unless otherwise stipulated, can not exceed thirty days, the States in conflict cease from all direct communication on the subject of the dispute, which is regarded as referred exclusively to the mediating Powers, who must use their best efforts to settle it.

In case of a definite rupture of pacific relations, these Powers are charged with the joint task of taking advantage of any opportunity to restore peace.

TITRE III.—DES COMMISSIONS INTERNATIONALES D'ENQUÉTE

ARTICLE 9

Dans les litiges d'ordre international n'engageant ni l'honneur ni des intérêts essentiels et provenant d'une divergence d'appréciation sur des points de fait, les Puissances signataires jugent utile que les Parties qui n'auraient pu se mettre d'accord par les voies diplomatiques instituent, en tant que les circonstances le permettront, une Commission internationale d'enquête chargée de faciliter la solution de ces litiges en éclaircissant, par un examen impartial et consciencieux, les questions de fait.

ARTICLE 10

Les Commissions internationales d'enquête sont constituées par convention spéciale entre les Parties en litige.

La Convention d'enquête précise les faits à examiner et l'étendue des pouvoirs des Commissaires.

Elle règle la procédure.

L'enquête a lieu contradictoirement.

La forme et les délais à observer, en tant qu'ils ne sont pas fixés par la Convention d'enquête, sont déterminés par la Commission elle-même.

ARTICLE 11

Les Commissions internationales d'enquête sont formées, sauf stipulation contraire, de la manière déterminée par l'article 32 de la présente Convention.

ARTICLE 12

Les Puissances en litige s'engagent à fournir à la Commission internationale d'enquête, dans la plus large mesure qu'Elles jugeront possible, tous les moyens et toutes les facilités nécessaires pour la connaissance complète et l'appréciation exacte des faits en question.

ARTICLE 13

La Commission internationale d'enquête présente aux Puissances en litige son rapport signé par tous les membres de la Commission.

TITLE III—ON INTERNATIONAL COMMISSIONS OF INQUIRY

ARTICLE 9

In differences of an international nature involving neither honor nor vital interests, and arising from a difference of opinion on points of fact, the Signatory Powers recommend that the parties who have not been able to come to an agreement by means of diplomacy should, as far as circumstances allow, institute an International Commission of Inquiry, to facilitate a solution of these differences by elucidating the facts by means of an impartial and conscientious investigation.

ARTICLE 10

The International Commissions of Inquiry are constituted by special agreement between the parties in conflict.

The Convention for an inquiry defines the facts to be examined and the extent of the Commissioners' powers.

It settles the procedure.

On the inquiry both sides must be heard.

The form and the periods to be observed, if not stated in the Inquiry Convention, are decided by the Commission itself.

ARTICLE 11

The International Commissions of Inquiry are formed, unless otherwise stipulated, in the manner fixed by Article 32 of the present Convention.

ARTICLE 12

The Powers in dispute engage to supply the International Commission of Inquiry, as fully as they may think possible, with all means and facilities necessary to enable it to be completely acquainted with and to accurately understand the facts in question.

ARTICLE 13

The International Commission of Inquiry communicates its report to the conflicting Powers, signed by all the members of the Commission.

ARTICLE 14

Le rapport de la Commission internationale d'enquête, limité à la constatation des faits, n'a nullement le caractère d'une Sentence arbitrale. Il laisse aux Puissances en litige une entière liberté pour la suite à donner à cette constatation.

TITRE IV.—DE L'ARBITRAGE INTERNATIONAL

CHAPITRE I.—*De la Justice arbitrale*

ARTICLE 15

L'arbitrage international à pour object le règlement de litiges entre les États par des juges de leur choix et sur la base du respect du droit.

ARTICLE 16

Dans les questions d'ordre juridique, et en premier lieu dans les questions d'interprétation ou d'application des Conventions internationales, l'arbitrage est reconnu par les Puissances signataires comme le moyen le plus efficace et en même temps le plus équitable de régler les litiges qui n'ont pas été résolus par les voies diplomatiques.

ARTICLE 17

La Convention d'arbitrage est conclue pour des contestations déjà nées ou pour des contestations éventuelles.

Elle peut concerner tout litige ou seulement les litiges d'une catégorie déterminée.

ARTICLE 18

La Convention d'arbitrage implique l'engagement de se soumettre de bonne foi à la Sentence arbitrale.

ARTICLE 19

Indépendamment des Traités généraux ou particuliers qui stipulent actuellement l'obligation du recours à l'arbitrage pour les Puissances signataires, ces Puissances se réservent de conclure, soit avant la ratification du présent Acte, soit postérieure-

ARTICLE 14

The report of the International Commission of Inquiry is limited to a statement of facts, and has in no way the character of an Arbitral Award. It leaves the conflicting Powers entire freedom as to the effect to be given to this statement.

TITLE IV—ON INTERNATIONAL ARBITRATION

CHAPTER I—*On the System of Arbitration*

ARTICLE 15

International arbitration has for its object the settlement of differences between States by judges of their own choice, and on the basis of respect for law.

ARTICLE 16

In questions of a legal nature, and especially in the interpretation or application of International Conventions, arbitration is recognized by the Signatory Powers as the most effective, and at the same time the most equitable, means of settling disputes which diplomacy has failed to settle.

ARTICLE 17

The Arbitration Convention is concluded for questions already existing or for questions which may arise eventually.

It may embrace any dispute or only disputes of a certain category.

ARTICLE 18

The Arbitration Convention implies the engagement to submit loyally to the Award.

ARTICLE 19

Independently of general or private Treaties expressly stipulating recourse to arbitration as obligatory on the Signatory Powers, these Powers reserve to themselves the right of concluding, either before the ratification of the present Act or later,

ament, des Accords nouveaux, généraux ou particuliers, en vue d'étendre l'arbitrage obligatoire à tous les cas qu'Elles jugeront possible de lui soumettre.

Chapitre II.—*De la Cour permanente d'arbitrage*

Article 20

Dans le but de faciliter le recours immédiat à l'arbitrage pour les différends internationaux qui n'ont pu être réglés par la voie diplomatique, les Puissances signataires s'engagent à organiser une Cour permanente d'arbitrage, accessible en tout temps et fonctionnant, sauf stipulation contraire des Parties, conformément aux Règles de procédure insérées dans la présente Convention.

Article 21

La Cour permanente sera compétente pour tous les cas d'arbitrage, à moins qu'il n'y ait entente entre les Parties pour l'établissement d'une jurisdiction spéciale.

Article 22

Un Bureau international établi à La Haye sert de greffe à la Cour.

Ce Bureau est l'intermédiaire des communications relatives aux réunions de celle-ci.

Il a la garde des Archives et la gestion de toutes les affairs administratives.

Les Puissances signataires s'engagent à communiquer au Bureau international de La Haye, une copie certifiée conforme de toute stipulation d'arbitrage intervenue entre elles et de toute sentence arbitrale les concernant et rendue par des juridictions spéciales.

Elles s'engagent à communiquer de même au Bureau, les Lois, Règlements et Documents constatant éventuellement l'exécution des sentences rendues par la Cour.

Article 23

Chaque Puissance signataire désignera, dans les trois mois qui suivront la ratification par elle du présente Acte, quatre

new Agreements, general or private, with a view to extending obligatory arbitration to all cases which they may consider it possible to submit to it.

CHAPTER II.—*On the Permanent Court of Arbitration.*

ARTICLE 20

With the object of facilitating an immediate recourse to arbitration for international differences, which it has not been possible to settle by diplomacy, the Signatory Powers undertake to organize a Permanent Court of Arbitration, accessible at all times and operating, unless otherwise stipulated by the parties, in accordance with the Rules of Procedure inserted in the present Convention.

ARTICLE 21

The Permanent Court shall be competent for all arbitration cases, unless the parties agree to institute a special Tribunal.

ARTICLE 22

An International Bureau, established at The Hague, serves as record office for the Court.

This Bureau is the channel for communications relative to the meetings of the Court.

It has the custody of the archives and conducts all the administrative business.

The Signatory Powers undertake to communicate to the International Bureau at The Hague a duly certified copy of any conditions of arbitration arrived at between them, and of any award concerning them delivered by special Tribunals.

They undertake also to communicate to the Bureau the Laws, Regulations and Documents, eventually showing the execution of the awards given by the Court.

ARTICLE 23

Within the three months following its ratification of the present Act, each Signatory Power shall select four persons at the

personnes au plus, d'une compétence reconnue dans les questions de droit international, jouissant de la plus haute considération morale et disposées à accepter les fonctions d'Arbitres.

Les personnes ainsi désignées seront inscrites, au titre de Membres de la Cour, sur une liste qui sera notifiée à toutes les Puissances signataires par les soins du Bureau.

Toute modification à la liste des Arbitres est portée, par les soins du Bureau, à la connaissance des Puissances signataires.

Deux ou plusieurs Puissances peuvent s'entendre pour la désignation en commun d'un ou de plusieurs Membres.

La même personne peut être désignée par des Puissances différentes.

Les Membres de la Cour sont nommés pour un terme de six ans. Leur mandat peut être renouvelé.

En cas de décès ou de retraite d'un Membre de la Cour, il est pourvu à son remplacement selon le mode fixé pour sa nomination.

Article 24

Lorsque les Puissances signataires veulent s'adresser à la Cour permanente pour le règlement d'un différend survenu entre elles, le choix des Arbitres appelés à former le Tribunal compétent pour statuer sur ce différend, doit être fait dans la liste générale des Membres de la Cour.

A défaut de constitution du Tribunal arbitral par l'accord immédiat des Parties, il est procédé de la manière suivante:

Chaque Partie nomme deux Arbitres et ceux-ci choisissent ensemble un Surarbitre.

En cas de partage des voix, le choix de Surarbitre est confié à une Puissance tierce, désignée de commun accord par les Parties.

Si l'accord ne s'établit pas à ce sujet, chaque Partie désigne une Puissance différente et le choix du Surarbitre est fait de concert par les Puissances ainsi désignées.

Le Tribunal étant ainsi composé, les Parties notifient au Bureau leur décision de s'addresser à la Cour et les noms des Arbitres.

Le Tribunal arbitral se réunit à la date fixée par les Parties.

most, of known competency in questions of international law, of the highest moral reputation, and disposed to accept the duties of Arbitrators.

The persons thus selected shall be inscribed, as Members of the Court, in a list which shall be notified by the Bureau to all the Signatory Powers.

Any alteration in the list of Arbitrators is brought by the Bureau to the knowledge of the Signatory Powers.

Two or more Powers may agree on the selection in common of one or more Members.

The same person can be selected by different Powers.

The Members of the Court are appointed for a term of six years. Their appointments can be renewed.

In case of the death or retirement of a Member of the Court, his place shall be filled in accordance with the method of his appointment.

Article 24

When the Signatory Powers desire to have recourse to the Permanent Court for the settlement of a difference that has arisen between them, the Arbitrators called upon to form the competent Tribunal to decide this difference must be chosen from the general list of Members of the Court.

Failing the direct agreement of the parties on the composition of the Arbitration Tribunal, the following course shall be pursued:

Each party appoints two Arbitrators, and these together choose an Umpire.

If the votes are equal, the choice of the Umpire, is intrusted to a third Power, selected by the parties by common accord.

If an agreement is not arrived at on this subject, each party selects a different Power, and the choice of the Umpire is made in concert by the Powers thus selected.

The Tribunal being thus composed, the parties notify to the Bureau their determination to have recourse to the Court and the names of the Arbitrators.

The Tribunal of Arbitration assembles on the date fixed by the parties.

Les Membres de la Cour, dans l'exercice de leurs fonctions et en dehors de leur Pays, jouissent des privilèges et immunités diplomatiques.

ARTICLE 25

Le Tribunal arbitral siège d'ordinaire à La Haye.

Le siège ne peut, sauf le cas de force majeure, être changé par le Tribunal que de l'assentiment des Parties.

ARTICLE 26

Le Bureau international de La Haye est autorisé à mettre ses locaux et son organisation à la disposition des Puissances signataires pour le fonctionnement de toute juridiction spéciale d'arbitrage.

La juridiction de la Cour permanente peut être étendue, dans les conditions prescrites par les Règlements, aux litiges existant entre des Puissances non signataires ou entre des Puissances signataires et des Puissances non signataires, si les Parties sont convenues de recourir à cette juridiction.

ARTICLE 27

Les Puissances signataires considèrent comme un devoir, dans le cas où un conflit aigu menacerait d'éclater entre deux ou plusieurs d'entre Elles, de rappeler à celles-ci que la Cour permanente leur est ouverte.

En conséquence, Elles déclarent que le fait de rappeler aux Parties en conflit les dispositions de la présente Convention, et le conseil donné, dans l'intérêt supérieur de la paix, de s'adresser à la Cour permanente, ne peuvent être considérés que comme actes de Bons Offices.

ARTICLE 28

Un Conseil administratif permanent, composé des représentants diplomatiques des Puissances signataires accrédités à La Haye et du Ministre des Affaires Étrangères des Pays-Bas qui remplira les fonctions de Président, sera constitué dans cette ville le plus tôt possible après la ratification du présent Acte par neuf Puissances au moins.

The Members of the Court, in the discharge of their duties and out of their own country, enjoy diplomatic privileges and immunities.

ARTICLE 25

The Tribunal of Arbitration has its ordinary seat at The Hague.

Except in cases of necessity, the place of session can only be altered by the Tribunal with the assent of the parties.

ARTICLE 26

The International Bureau at The Hague is authorized to place its premises and its staff at the disposal of the Signatory Powers for the operations of any special Board of Arbitration.

The jurisdiction of the Permanent Court may, within the conditions laid down in the Regulations, be extended to disputes between non-Signatory Powers, or between Signatory Powers and non-Signatory Powers if the parties are agreed on recourse to this Tribunal.

ARTICLE 27

The Signatory Powers consider it their duty, if a serious dispute threatens to break out between two or more of them, to remind these latter that the Permanent Court is open to them.

Consequently, they declare that the fact of reminding the conflicting parties of the provisions of the present Convention, and the advice given to them, in the highest interests of peace, to have recourse to the Permanent Court, can only be regarded as friendly actions.

ARTICLE 28

A Permanent Administrative Council, composed of the Diplomatic Representatives of the Signatory Powers accredited to The Hague and of the Netherlands Minister for Foreign Affairs, who will act as President, shall be instituted in this town as soon as possible after the ratification of the present Act by at least nine Powers.

Ce Conseil sera chargé d'établir et d'organiser le Bureau international, lequel demeurera sous sa direction et sous son contrôle.

Il notifiera aux Puissances la constitution de la Cour et pourvoira à l'installation de celle-ci.

Il arrêtera son règlement d'ordre ainsi que tous autres règlements nécessaires.

Il décidera toutes les questions administratives qui pourraient surgir touchant le fonctionnement de la Cour.

Il aura tout pouvoir quant à la nomination, la suspension ou la révocation des fonctionnaires et employés du Bureau.

Il fixera les traitements et salaires et contrôlera la dépense générale.

La présence de cinq membres dans les réunions dûment convoquées suffit pour permettre au Conseil de délibérer valablement. Les décisions sont prises à la majorité des voix.

Le Conseil communique sans délai aux Puissances signataires les règlements adoptés par lui. Il leur adresse chaque année un rapport sur les travaux de la Cour, sur le fonctionnement des services administratifs et sur les dépenses.

Article 29

Les frais du Bureau seront supportés par les Puissances signataires dans la proportion établie par le Bureau international de l'Union postale universelle.

Chapitre III.—*De la Procédure arbitrale*

Article 30

En vue de favoriser le développement de l'arbitrage, les Puissances signataires ont arrêté les règles suivantes qui seront applicables à la procédure arbitrale, en tant que les Parties ne sont pas convenues d'autres règles.

Article 31

Les Puissances qui recourent à l'arbitrage signent un Acte spécial (compromis) dans lequel sont nettement déterminés l'objet du litige ainsi que l'étendue des pouvoirs des Arbitres.

This Council will be charged with the establishment and organization of the International Bureau, which will be under its direction and control.

It will notify to the Powers the constitution of the Court and will provide for its installation.

It will settle its Rules of Procedure and all other necessary Regulations.

It will decide all questions of administration which may arise with regard to the operations of the Court,

It will have entire control over the appointment, suspension, or dismissal of the officials and employés of the Bureau.

It will fix the payments and salaries, and control the general expenditure.

At meetings duly summoned the presence of five members is sufficient to render valid the discussions of the Council. The decisions are taken by a majority of votes.

The Council communicates to the Signatory Powers without delay the Regulations adopted by it. It furnishes them with an annual Report on the labors of the Court, the working of the administration, and the expenses.

Article 29

The expenses of the Bureau shall be borne by the Signatory Powers in the proportion fixed for the International Bureau of the Universal Postal Union.

Chapter III—*On Arbitral Procedure*

Article 30

With a view to encourage the development of arbitration, the Signatory Powers have agreed on the following rules which shall be applicable to arbitral procedure, unless other rules have been agreed on by the parties.

Article 31

The Powers who have recourse to arbitration sign a special Act ("Compromis"), in which the subject of the difference is clearly defined, as well as the extent of the Arbitrators' pow-

Cet Acte implique l'engagement des Parties de se soumettre de bonne foi à la sentence arbitrale.

ARTICLE 32

Les fonctions arbitrales peuvent être conférées à un Arbitre unique ou à plusieurs Arbitres désignés par les Parties à leur gré, ou choisis par Elles parmi les Membres de la Cour permanente d'arbitrage établie par le présent Acte.

A défaut de constitution du Tribunal par l'accord immédiat des Parties, il est procédé de la manière suivante:

Chaque Partie nomme deux Arbitres et ceux-ci choisissent ensemble un Surarbitre.

En cas de partage des voix, le choix de Surarbitre est confié à une Puissance tierce, désignée de commun accord par les Parties.

Si l'accord ne s'établit pas à ce sujet, chaque Partie désigne une Puissance différente et le choix du Surarbitre est fait de concert par les Puissances ainsi désignées.

ARTICLE 33

Lorsqu'un Soverain ou un Chef d'Etat est choisi pour Arbitre, la procédure arbitrale est réglée par Lui.

ARTICLE 34

Le Surarbitre est de droit Président du Tribunal.

Lorsque le Tribunal ne comprend pas de Surarbitre, il nomme lui-même son Président.

ARTICLE 35

En cas de décès, de démission ou d'empêchement, pour quelque cause que ce soit, de l'un des Arbitres, il est pourvu à son remplacement selon le mode fixé pour sa nomination.

ARTICLE 36

Le siège du Tribunal est désigné par les Parties. A défaut de cette désignation, le Tribunal siège à La Haye.

Le siège ainsi fixé ne peut, sauf le cas de force majeure être changé par le Tribunal que de l'assentiment des Parties.

ers. This Act implies the undertaking of the parties to submit loyally to the award.

ARTICLE 32.

The duties of Arbitrator may be conferred on one Arbitrator alone or on several Arbitrators selected by the parties as they please, or chosen by them from the Members of the Permanent Court of Arbitration established by the present Act.

Failing the constitution of the Tribunal by direct agreement between the parties, the following course shall be pursued:

Each party appoints two Arbitrators, and these latter together choose an Umpire.

In case of equal voting, the choice of the Umpire is intrusted to a third Power, selected by the parties by common accord.

If no agreement is arrived at on this subject, each party selects a different Power, and the choice of the Umpire is made in concert by the Powers thus selected.

ARTICLE 33

When a Sovereign or a Chief of a State is chosen as Arbitrator, the arbitral procedure is settled by him.

ARTICLE 34

The Umpire is by right President of the Tribunal.

When the Tribunal does not include an Umpire, it appoints its own President.

ARTICLE 35

In case of the death, retirement, or disability from any cause of one of the Arbitrators, his place shall be filled in accordance with the method of his appointment.

ARTICLE 36

The Tribunal's place of session is selected by the parties. Failing this selection, the Tribunal sits at The Hague.

The place thus fixed can not, except in case of necessity, be changed by the Tribunal without the assent of the parties.

ARTICLE 37

Les Parties ont le droit de nommer auprès du Tribunal des Délégués ou Agents spéciaux, avec la mission de servir d'intermédiaires entre Elles et le Tribunal.

Elles sont en outre autorisées à charger de la défense de leurs droits et intérêts devant le Tribunal, des conseils ou avocats nommés par Elles à cet effet.

ARTICLE 38

Le Tribunal décide du choix des langues dont il fera usage et dont l'emploi sera autorisé devant lui.

ARTICLE 39

La procédure arbitrale comprend en règle générale deux phases distinctes: l'instruction et les débats.

L'instruction consiste dans la communication faite par les Agents respectifs, aux Membres du Tribunal et à la Partie adverse, de tous actes imprimés ou écrits et de tous documents contenant les moyens invoqués dans la cause. Cette communication aura lieu dans la forme et dans les délais déterminés par le Tribunal en vertu de l'article 49.

Les débats consistent dans le développement oral des moyens des Parties devant le Tribunal.

ARTICLE 40

Toute pièce produite par l'une des Parties doit être communiquée à l'autre Partie.

ARTICLE 41

Les débats sont dirigés par le Président.

Ils ne sont publics qu'en vertu d'une décision du Tribunal, prise avec l'assentiment des Parties.

Ils sont consignés dans les procès-verbaux rédigés par des Secrétaires que nomme le Président. Ces procès-verbaux ont seuls caractère authentique.

ARTICLE 37

The parties have the right to appoint delegates or special agents to attend the Tribunal, for the purpose of serving as intermediaries between them and the Tribunal.

They are further authorized to retain, for the defense of their rights and interests before the Tribunal, counsel or advocates appointed by them for this purpose.

ARTICLE 38

The Tribunal decides on the choice of languages to be used by itself, and to be authorized for use before it.

ARTICLE 39

As a general rule the arbitral procedure comprises two distinct phases: preliminary examination and discussion.

Preliminary examination consists in the communication by the respective agents to the Members of the Tribunal and to the opposite party of all printed or written Acts and of all documents containing the arguments invoked in the case. This communication shall be made in the form and within the periods fixed by the Tribunal in accordance with Article 49.

Discussion consists in the oral development before the Tribunal of the arguments of the parties.

ARTICLE 40

Every document produced by one party must be communicated to the other party.

ARTICLE 41

The discussions are under the direction of the President.

They are only public if it be so decided by the Tribunal, with the assent of the parties.

They are recorded in the *procès-verbaux* drawn up by the Secretaries appointed by the President. These *procès-verbaux* alone have an authentic character.

ARTICLE 42

L'instruction étant close, le Tribunal a le droit d'écarter du débat tous actes ou documents nouveaux qu'une des Parties voudrait lui soumettre sans le consentement de l'autre.

ARTICLE 43

Le Tribunal demeure libre de prendre en considération les actes ou documents nouveaux sur lesquels les agents ou conseils des Parties appelleraient son attention.

En ce cas, le Tribunal a le droit de requérir la production de ces actes ou documents, sauf l'obligation d'en donner connaissance à la Partie adverse.

ARTICLE 44

Le Tribunal peut, en outre, requérir des agents des Parties la production de tous actes et demander toutes explications nécessaires. En cas de refus, le Tribunal en prend acte.

ARTICLE 45

Les agents et les conseils des Parties sont autorisés à présenter oralement au Tribunal tous les moyens qu'ils jugent utiles à la défense de leur cause.

ARTICLE 46

Ils ont le droit de soulever des exceptions et incidents. Les décisions du Tribunal sur ces points sont définitives et ne peuvent donner lieu à aucune discussion ultérieure.

ARTICLE 47

Les Membres du Tribunal ont le droit de poser des questions aux agents et aux conseils des Parties et de leur demander des éclaircissements sur les points douteux.

Ni les questions posées, ni les observations faites par les Membres du Tribunal pendant le cours des débats ne peuvent être regardées comme l'expression des opinions du Tribunal en général ou de ses Membres en particulier.

ARTICLE 42

When the preliminary examination is concluded, the Tribunal has the right to refuse discussion of all fresh Acts or documents which one party may desire to submit to it without the consent of the other party.

ARTICLE 43

The Tribunal is free to take into consideration fresh Acts or documents to which its attention may be drawn by the agents or counsel of the parties.

In this case, the Tribunal has the right to require the production of these Acts or documents, but is obliged to make them known to the opposite party.

ARTICLE 44

The Tribunal can, besides, require from the agents of the parties the production of all Acts, and can demand all necessary explanations. In case of refusal, the Tribunal takes note of it.

ARTICLE 45

The agents and counsel of the parties are authorized to present orally to the Tribunal all the arguments they may think expedient in defense of their case.

ARTICLE 46

They have the right to raise objections and points. The decisions of the Tribunal on those points are final, and can not form the subject of any subsequent discussion.

ARTICLE 47

The Members of the Tribunal have the right to put questions to the agents and counsel of the parties, and to demand explanations from them on doubtful points.

Neither the questions put nor the remarks made by Members of the Tribunal during the discussions can be regarded as an expression of opinion by the Tribunal in general, or by its Members in particular.

ARTICLE 48

Le Tribunal est autorisé à déterminer sa compétence en interprétant le compromis ainsi que les autres traités qui peuvent être invoqués dans la matière, et en appliquant les principes du droit international.

ARTICLE 49

Le Tribunal a le droit de rendre des ordonnances de procédure pour la direction du procès, de déterminer les formes et délais dans lesquels chaque Partie devra prendre ses conclusions et de procéder à toutes les formalités que comporte l'administration des preuves.

ARTICLE 50

Les agents et les conseils des Parties ayant présenté tous les éclaircissements et preuves à l'appui de leur cause, le Président prononce la clôture des débats.

ARTICLE 51

Les délibérations du Tribunal ont lieu à huis clos.

Toute décision est prise à la majorité des Membres du Tribunal.

Le refus d'un Membre de prendre par au vote doit être constaté dans le procès-verbal.

ARTICLE 52

La sentence arbitrale, votée à la majorité des voix, est motivée. Elle est rédigée par écrit et signée par chacun des Membres du Tribunal.

Ceux des Membres qui sont restés en minorité peuvent constater, en signant, leur dissentiment.

ARTICLE 53

La sentence arbitrale est lue en séance publique du Tribunal, les agents et les conseils de Parties présents ou dûment appelés.

ARTICLE 54

La sentence arbitrale, dûment prononcée et notifiée aux agents des Parties en litige, décide définitivement et sans appel la contestation

ARTICLE 48

The Tribunal is authorized to declare its competence in interpreting the "Compromis" as well as the other Treaties which may be invoked in the case, and in applying the principles of international law.

ARTICLE 49

The Tribunal has the right to issue rules of Procedure for the conduct of the case, to decide the forms and periods within which each party must conclude its arguments, and to arrange all the formalities required for dealing with the evidence.

ARTICLE 50

When the agents and counsel of the parties have submitted all explanations and evidence in support of their case, the President pronounces the discussion closed.

ARTICLE 51

The deliberations of the Tribunal take place in private.

Every decision is taken by a majority of Members of the Tribunal.

The refusal of a Member to vote must be recorded in the *procès-verbal.*

ARTICLE 52

The award, given by a majority of votes, is accompanied by a statement of reasons. It is drawn up in writing and signed by each Member of the Tribunal.

Those Members who are in the minority may record their dissent when signing.

ARTICLE 53

The award is read out at a public meeting of the Tribunal, the agents and counsel of the parties being present, or duly summoned to attend.

ARTICLE 54

The award, duly pronounced and notified to the agents of the parties at variance, puts an end to the dispute definitely and without appeal.

ARTICLE 55

Les Parties peuvent se réserver dans le compromis de demander la revision de la sentence arbitrale.

Dans ce cas, et sauf convention contraire, la demande doit être adressée au Tribunal qui a rendu la sentence. Elle ne peut être motivée que par la découverte d'un fait nouveau qui eût été de nature à exercer une influence décisive sur la sentence et qui, lors de la clôture des débats, était inconnu du Tribunal lui-même et de la Partie qui a demandé la revision.

La procédure de revision ne peut être ouverte que par une décision du Tribunal constatant expressément l'existence du fait nouveau, lui reconnaissant les caractères prévus par le paragraphe précédent et déclarant à ce titre la demande recevable.

Le compromis détermine le délai dans lequel la demande de revision doit être formée.

ARTICLE 56

La sentence arbitrale n'est obligatoire que pour les Parties qui ont conclu le compromis.

Lorsqu'il s'agit de l'interprétation d'une convention à laquelle ont participé d'autres Puissances que les Parties en litige, celles-ci notifient aux premières le compromis qu'elles ont conclu. Chacune de ces Puissances a le droit d'intervenir au procès. Si une ou plusieurs d'entre Elles ont profité de cette faculté, l'interprétation contenue dans la sentence est également obligatoire à leur égard.

ARTICLE 57

Chaque Partie supporte ses propres frais et une part égale des frais du Tribunal.

DISPOSITIONS GÉNÉRALES

ARTICLE 58

La présente Convention sera ratifiée dans le plus bref délai possible.

Les ratifications seront déposées à La Haye.

Il sera dressé du dépôt de chaque ratification un procès-verbal, dont une copie, certifiée conforme, sera remise par la

Article 55

The parties can reserve in the "Compromis" the right to demand the revision of the award.

In this case, and unless there be an agreement to the contrary, the demand must be addressed to the Tribunal which pronounced the award. It can only be made on the ground of the discovery of some new fact calculated to exercise a decisive influence on the award, and which, at the time the discussion was closed, was unknown to the Tribunal and to the party demanding the revision.

Proceedings for revision can only be instituted by a decision of the Tribunal expressly recording the existence of the new fact, recognizing in it the character described in the foregoing paragraph, and declaring the demand admissible on this ground.

The "Compromis" fixes the period within which the demand for revision must be made.

Article 56

The award is only binding on the parties who concluded the "Compromis."

When there is a question of interpreting a Convention to which Powers other than those concerned in the dispute are parties, the latter notify to the former the "Compromis" they have concluded. Each of these Powers has the right to intervene in the case. If one or more of them avail themselves of this right, the interpretation contained in the award is equally binding on them.

Article 57

Each party pays its own expenses and an equal share of those of the Tribunal.

General Provisions

Article 58

The present Convention shall be ratified as speedily as possible.

The ratifications shall be deposited at The Hague.

A *procès-verbal* shall be drawn up recording the receipt of each ratification, and a copy duly certified shall be sent, through the

voie diplomatique à toutes les Puissances qui ont été représentées à la Conférence Internationale de la Paix de La Haye.

ARTICLE 59

Les Puissances non signataires qui ont été représentées à la Conférence Internationale de la Paix pourront adhérer à la présente Convention. Elles auront à cet effet à faire connaître leur adhésion aux Puissances contractantes, au moyen d'une notification écrite, adressée au Gouvernement des Pays-Bas et communiquée par celui-ci à toutes les autres Puissances contractantes.

ARTICLE 60

Les conditions auxquelles les Puissances qui n'ont pas été représentées à la Conférence Internationale de la Paix pourront adhérer à la présente Convention formeront l'objet d'une entente ultérieure entre les Puissances contractantes.

ARTICLE 61

S'il arrivait qu'une des Hautes Parties contractantes dénonçât la présente Convention, cette dénonciation ne produirait ses effets qu'un an après la notification faite par écrit au Gouvernement des Pay-Bas et communiquée immédiatement par celui-ci à toutes les autres Puissances contractantes.

Cette dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée.

En foi de quoi, les Plénipotentiaires ont signé la présente Convention et l'ont revêtue de leurs sceaux.

Fait à La Haye, le 29 Juillet, 1899, en un seul exemplaire qui restera déposé dans les archives du Gouvernement des Pays-Bas, et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances contractantes.

[Signatures]

diplomatic channel, to all the Powers who were represented at the International Peace Conference at The Hague.

ARTICLE 59

The non-Signatory Powers who were represented at the International Peace Conference can adhere to the present Convention. For this purpose they must make known their adhesion to the Contracting Powers by a written notification addressed to the Netherlands Government, and communicated by it to all the other Contracting Powers.

ARTICLE 60

The conditions on which the Powers who were not represented at the International Peace Conference can adhere to the present Convention shall form the subject of a subsequent Agreement among the Contracting Powers.

ARTICLE 61

In the event of one of the High Contracting Parties denouncing the present Convention, this denunciation would not take effect until a year after its notification made in writing to the Netherlands Government, and by it communicated at once to all the other Contracting Powers.

This denunciation shall only affect the notifying Power.

In faith of which the Plenipotentiaries have signed the present Convention and affixed their seals to it.

Done at The Hague, the 29th July, 1899, in a single copy, which shall remain in the archives of the Netherlands Government, and copies of it, duly certified, be sent through the diplomatic channel to the Contracting Powers.

[Signatures]

CONVENTION CONCERNANT LES LOIS ET COUTUMES DE LA GUERRE SUR TERRE

Sa Majesté l'Empereur d'Allemagne, Roi de Pruisse; Sa Majesté l'Empereur d'Autriche, Roi de Bohême, etc., et Roi Apostolique de Hongrie; Sa Majesté le Roi de Belges; Sa Majesté le Roi de Danemark; Sa Majesté le Roi d'Espagne et en Son Nom Sa Majesté la Reine-Régente du Royaume; le Président des États-Unis d'Amérique; le Président de la République Française; Sa Majesté la Reine du Royaume-Uni de la Grande Bretagne et d'Irlande, Impératrice des Indes; Sa Majesté le Roi des Hellènes; Sa Majesté le Roi d'Italie; Sa Majesté l'Empereur du Japon; Son Altesse Royale le Grand-Duc de Luxembourg, Duc de Nassau; Son Altesse le Prince de Monténégro; Sa Majesté la Reine des Pays-Bas; Sa Majesté Impériale le Schah de Perse; Sa Majesté le Roi de Portugal et des Algarves, etc.; Sa Majesté le Roi de Roumanie; Sa Majesté l'Empereur de Toutes les Russies; Sa Majesté le Roi de Serbie; Sa Majesté le Roi de Siam; Sa Majesté le Roi de Suéde et de Norvège; Sa Majesté l'Empereur des Ottomans et Son Altesse Royale le Prince de Bulgarie.

Considérant que, tout en recherchant les moyens de sauvegarder la paix et de prévenir les conflits armés entre les nations, il importe de se préoccuper également du cas ou l'appel aux armes serait amené par des événements que Leur sollicitude n'aurait pu détourner;

Animés du désir de servir encore, dans cette hypothèse extrême, les intérêts de l'humanité et les exigences progressives de la civilization;

Estimant qu'il importe, à cette fin, de reviser les lois et coutumes générales de la guerre, soit dans le but de les définir avec plus de précision, soit afin d'y tracer certaines limites destinées à en restreindre, autant que possible, les rigueurs;

S'inspirant de ces vues recommandées aujourd'hui, comme il y a vingt-cinq ans, lors de la Conférence de Bruxelles de 1874, par une sage et généreuse prévoyance;

Ont, dans cet esprit, adopté un grand nombre de dispositions qui ont pour objet de définir et de régler les usages de la guerre sur terre.

CONVENTION WITH RESPECT TO THE LAWS AND CUSTOMS OF WAR ON LAND

His Majesty the Emperor of Germany, King of Prussia; His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary; His Majesty the King of the Belgians; His Majesty the King of Denmark; His Majesty the King of Spain and in His Name Her Majesty the Queen Regent of the Kingdom; the President of the United States of America; the President of the United Mexican States; the President of the French Republic; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the King of the Hellenes; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; His Highness the Prince of Montenegro; Her Majesty the Queen of the Netherlands; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, etc., His Majesty the King of Roumania; His Majesty the Emperor of all the Russias; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden and Norway; His Majesty the Emperor of the Ottomans and His Royal Highness the Prince of Bulgaria.

Considering that, while seeking means to preserve peace and prevent armed conflicts among nations, it is likewise necessary to have regard to cases where an appeal to arms may be caused by events which their solicitude could not avert;

Animated by the desire to serve, even in this extreme hypothesis, the interests of humanity and the ever increasing requirements of civilization;

Thinking it important, with this object, to revise the laws and general customs of war, either with the view of defining them more precisely, or of laying down certain limits for the purpose of modifying their severity as far as possible;

Inspired by these views which are enjoined at the present day, as they were twenty-five years ago at the time of the Brussels Conference in 1874, by a wise and generous foresight;

Have, in this spirit, adopted a great number of provisions, the object of which is to define and govern the usages of war on land.

Selon les vues des Hautes Parties contractantes, ces dispositions, dont la rédaction a été inspirée par le désir de diminuer les maux de la guerre, autant que les nécessités militaires le permettent, sont destinées à servir de règle générale de conduite aux belligérants, dans leurs rapports entre eux et avec les populations.

Il n'a pas été possible, toute-fois, de concerter dès maintenant des stipulations s'étendant à toutes les circonstances qui se présentent dans la pratique.

D'autre part, il ne pouvait entrer dans les intentions des Hautes Parties contractantes que les cas non prévus fussent, faute de stipulation écrite, laissées à l'appréciation arbitraire de ceux qui dirigent les armées.

En attendant qu'un code plus complet des lois de la guerre puisse être édicté, les Hautes Parties contractantes jugent opportun de constater que, dans les cas non compris dans les dispositions réglementaires adoptées par Elles, les populations et les belligèrants restent sous la sauveguarde et sous l'empire des principes du droit des gens, tels qu'ils résultent des usages établis entre nations civilisées, des lois de l'humanité et des exigences de la conscience publique.

Elles déclarent que c'est dans ce sens que doivent s'entendre notamment les articles 1 et 2 du Règlement adopté.

Les Hautes Parties contractantes, désirant conclure une Convention à cet effet, ont nommé pour Leurs Plénipotentiaires, savoir:

[Name]



In view of the High Contracting Parties, these provisions, the wording of which has been inspired by the desire to diminish the evils of war so far as military necessities permit, are destined to serve as general rules of conduct for belligerents in their relations with each other and with populations.

It has not, however, been possible to agree forthwith on provisions embracing all the circumstances which occur in practice.

On the other hand, it could not be intended by the High Contracting Parties that the cases not provided for should, for want of a written provision, be left to the arbitrary judgment of the military Commanders.

Until a more complete code of the laws of war is issued, the High Contracting Parties think it right to declare that in cases not included in the Regulations adopted by them, populations and belligerents remain under the protection and empire of the principles of international law, as they result from the usages established between civilized nations, from the laws of humanity, and the requirements of the public conscience.

They declare that it is in this sense especially that Articles 1 and 2 of the Regulations adopted must be understood;

The High Contracting Parties, desiring to conclude a Convention to this effect, have appointed as their Plenipotentiaries, to wit:

[Names]

Who, after communication of their full powers, found in good and due form, have agreed on the following:

ARTICLE 1

The High Contracting Parties shall issue instructions to their armed land forces, which shall be in conformity with the "Regulations Respecting the Laws and Customs of War on Land" annexed to the present Convention.

ARTICLE 2

Les dispositions contenues dans le Règlement visé à l'article premier ne sont obligatoires que pour les Puissances contractantes, en cas de guerre entre deux ou plusieurs d'entre Elles.

Ces dispositions cesseront d'être obligatoires du moment où, dans une guerre entre des Puissances contractantes, une Puissance non contractante se joindrait à l'un des belligérants.

ARTICLE 3

La présente Convention sera ratifiée dans le plus bref délai possible.

Les ratifications seront déposées à La Haye.

Il sera dressé du dépôt de chaque ratification un procès-verbal, dont une copie, certifiée conforme, sera remise par la voie diplomatique à toutes les Puissances contractantes.

ARTICLE 4

Les Puissances non signataires sont admises à adhérer à la présente Convention.

Elles auront, à cet effet, à faire connaître leur adhesion aux Puissances contractantes, au moyen d'une notification écrite, adressé au Gouvernement des Pays-Bas et communiquée par celui-ci à toutes les autres Puissances contractantes.

ARTICLE 5

S'il arrivait qu'une des Hautes Parties contractantes dénonçât la présente Convention, cette dénonciation ne produirait ses effets qu'un an après la notification faite par écrit au Gouvernement des Pays-Bas et communiquée immédiatement par celui-ci à toutes les autres Puissances contractantes.

Cette dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée.

En foi de quoi, les Plénipotentiaires ont signé le présente Convention et l'ont revêtue de leurs cachets.

Fait à La Haye, le 29 Juillet, 1899, en un seul exemplaire qui restera déposé dans les archives du Gouvernement des Pays-Bas et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances contractantes.

ARTICLE 2

The provisions contained in the Regulation mentioned in Article 1 are only binding on the Contracting Powers, in case of war between two or more of them.

These provisions shall cease to be binding from the time when, in a war between Contracting Powers, a non-Contracting Power joins one of the belligerents.

ARTICLE 3

The present Convention shall be ratified as speedily as possible.

The ratifications shall be deposited at The Hague.

A *procès-verbal* shall be drawn up recording the receipt of each ratification, and a copy, duly certified, shall be sent, through the diplomatic channel, to all the Contracting Powers.

ARTICLE 4

Non-Signatory Powers are allowed to adhere to the present Convention.

For this purpose they must make their adhesions known to the Contracting Powers by means of a written notification, addressed to the Netherlands Government, and by it communicated to all the other Contracting Powers.

ARTICLE 5

In the event of one of the High Contracting Parties denouncing the present Convention, such denunciation would not take effect until a year after the written notification made to the Netherlands Government, and by it at once communicated to all the other Contracting Powers.

This denunciation shall affect only the notifying Power.

In faith of which the Plenipotentiaries have signed the present Convention and affixed their seals thereto.

Done at The Hague the 29th July, 1899, in a single copy, which shall be kept in the archives of the Netherlands Government, and copies of which, duly certified, shall be delivered to the Contracting Powers through the diplomatic channel.

ANNEXE À LA CONVENTION

RÈGLEMENT CONCERNANT LES LOIS ET COUTUMES DE LA GUERRE SUR TERRE

SECTION 1.—Des Belligérants

Chapitre I.—*De la qualité de belligérant*

Article 1

Les lois, les droits et les devoirs de la guerre ne s'appliquent pas seulement à l'armée, mais encore aux milices et aux corps de volontaires réunissant les conditions suivantes:

1. d'avoir à leur tête une personne responsable pour ses subordonnés;
2. d'avoir un signe distinctif fixe et reconnaissable à distance;
3. de porter les armes ouvertement et
4. de se conformer dans leurs opérations aux lois et coutumes de la guerre.

Dans les pays où les milices ou des corps de volontaires constituent l'armée ou en font partie, ils sont compris sous la dénomination *d'armée.*

Article 2

La population d'un territoire non occupé qui, à l'approche de l'ennemi, prend spontanément les armes pour combattre les troupes d'invasion sans avoir eu le temps de s'organiser conformément à l'article premier, sera considérée comme belligérante si elle respecte les lois et coutumes de la guerre.

Article 3

Les forces armées des parties belligérantes peuvent se composer de combattants et de non-combattants. En cas de capture par l'ennemi, les uns et les autres ont droit au traitement des prisonniers de guerre.

Chapitre II.—*Des prisonniers de guerre*

Article 4

Les prisonniers de guerre sont au pouvoir du Gouvernement ennemi, mais non des individus ou des corps qui les ont capturés.

ANNEX TO THE CONVENTION

REGULATIONS RESPECTING THE LAWS AND CUSTOMS OF WAR ON LAND

SECTION I.—On Belligerents

Chapter I.—*On the Qualifications of Belligerents*

Article 1

The laws, rights and duties of war apply not only to armies, but also to militia and volunteer corps, fulfilling the following conditions:

1. To be commanded by a person responsible for his subordinates;
2. To have a fixed distinctive emblem recognizable at a distance;
3. To carry arms openly; and
4. To conduct their operations in accordance with the laws and customs of war.

In countries where militia or volunteer corps constitute the army, or form part of it, they are included under the denomination "army."

Article 2

The population of a territory which has not been occupied who, on the enemy's approach, spontaneously take up arms to resist, the invading troops without having time to organize themselves in Accordance with Article 1, shall be regarded a belligerent if they respect the laws and customs of war.

Article 3

The armed forces of the belligerent parties may consist of combatants and non-combatants. In case of capture by the enemy both have a right to be treated as prisoners of war.

Chapter II—*On Prisoners of War*

Article 4

Prisoners of war are in the power of the hostile Government, but not in that of the individuals or corps who captured them.

Ils doivent être traités avec humanité.

Tout ce qui leur appartient personnellement, excepté les armes, les chevaux et les papiers militaires, reste leur propriété.

Article 5

Les prisonniers de guerre peuvent être assujettis à l'internement dans une ville, forteresse, camp ou localité quelconque, avec obligation de ne pas s'en éloigner au delà de certaines limites déterminées; mais ils ne peuvent être enfermés que par mesure de sûreté indispensable.

Article 6

L'État peut employer, comme travailleurs, les prisonniers de guerre, selon leur grade et leurs aptitudes. Ces travaux ne seront pas excessifs et n'auront aucun rapport avec les opérations de la guerre.

Les prisonniers peuvent être autorisés à travailler pour le compte d'administrations publiques ou de particuliers, ou pour leur propre compte.

Les travaux faits pour l'État sont payés d'après les tarifs en vigueur pour les militaires de l'armée nationale exécutant les mêmes travaux.

Lorsque les travaux ont lieu pour le compte d'autres administrations publiques ou pour des particuliers, les conditions en sont réglées d'accord avec l'autorité militaire.

Le salaire des prisonniers contribuera à adoucir leur position, et le surplus leur sera compté au moment de leur libération, sauf défalcation des frais d'entretien.

Article 7

Le Gouvernement au pouvoir duquel se trouvent les prisonniers de guerre est chargé de leur entretien.

A défaut d'une entente spéciale entre les belligérants, les prisonniers de guerre seront traités, pour la nourriture, le couchage et l'habillement, sur le même pied que les troupes du Gouvernement qui les aura capturés.

They must be humanely treated.

All their personal belongings, except arms, horses, and military papers, remain their property.

Article 5

Prisoners of war may be interned in a town, fortress, camp, or any other locality, and bound not to go beyond certain fixed limits; but they can only be confined as an indispensable measure of safety.

Article 6

The State may utilize the labor of prisoners of war according to their rank and aptitude. Their tasks shall not be excessive, and shall have nothing to do with the military operations.

Prisoners may be authorized to work for the Public Service, for private persons, or on their own account.

Work done for the State shall be paid for according to the tariffs in force for soldiers of the national army employed on similar tasks.

When the work is for other branches of the Public Service or for private persons, the conditions shall be settled in agreement with the military authorities.

The wages of the prisoners shall go towards improving their position, and the balance shall be paid them at the time of their release, after deducting the cost of their maintenance.

Article 7

The Government into whose hands prisoners of war have fallen is bound to maintain them.

Failing a special agreement between the belligerents, prisoners of war shall be treated as regards food, quarters, and clothing, on the same footing as the troops of the Government which has captured them.

ARTICLE 8

Les prisonniers de guerre seront soumis aux lois, règlements, et orders en vigueur dans l'armée de l'État au pouvoir duquel ils se trouvent.

Tout acte d'insubordination autorise, à leur égard, les mesures de rigueur nécessaires.

Les prisonniers évadés, qui seraient repris avant d'avoir pu rejoindre leur armée ou avant de quitter le territoire occupé par l'armée qui les aura capturés, sont passibles de peines disciplinaires.

Les prisonniers qui, après avoir réussi à s'évader, sont de nouveau faits prisonniers, ne sont passibles d'aucune peine pour la fuite antérieure.

ARTICLE 9

Chaque prisonnier de guerre est tenu de déclarer, s'il est interrogé à ce sujet, ses véritables noms et grade et, dans le cas où il enfreindrait cette règle, il s'exposerait à une restriction des avantages accordés aux prisonniers de guerre de sa catégorie.

ARTICLE 10

Les prisonniers de guerre peuvent être mis en liberté sur parole, si les lois de leur pays les y autorisent, et, en pareil cas, ils sont obligés, sous la garantie de leur honneur personnel, de remplir scrupuleusement, tant vis-à-vis de leur Gouvernement que vis-à-vis de celui qui les a faits prisonniers, les engagements qu'ils auraient contractés.

Dans le même cas, leur propre Gouvernement est tenu de n'exiger ni accepter d'eux aucun service contraire à la parole do née.

ARTICLE 11

Un prisonnier de guerre ne peut être constraint d'accepter sa liberté sur parole; de même le Gouvernement ennemi n'est pas obligé d'accéder à la demande du prisonnier réclamant sa mise en liberté sur parole.

ARTICLE 12

Tout prisonnier de guerre, libéré sur parole et repris portant les armes contre le Gouvernement envers lequel il s'était engagé

ARTICLE 8

Prisoners of war shall be subject to the laws, regulations and orders in force in the army of the State into whose hands they have fallen.

Any act of insubordination warrants the adoption, as regards them, of such measures of severity as may be necessary.

Escaped prisoners, recaptured before they have succeeded in rejoining their army, or before quitting the territory, occupied by the army that captured them, are liable to disciplinary punishment.

Prisoners who, after succeeding in escaping, are again taken prisoners, are not liable to any punishment for the previous flight.

ARTICLE 9

Every prisoner of war, if questioned, is bound to declare his true name and rank, and if he disregards this rule, he is liable to a curtailment of the advantages accorded to the prisoners of war of his class.

ARTICLE 10

Prisoners of war may be set at liberty on parole if the laws of their country authorize it, and, in such a case, they are bound, on their personal honor, scrupulously to fulfill, both as regards their own Government and the Government by whom they were made prisoners, the engagements they have contracted.

In such cases, their own Government shall not require of nor accept from them any service incompatible with the parole given.

ARTICLE 11

A prisoner of war can not be forced to accept his liberty on parole; similarly the hostile Government is not obliged to assent to the prisoner's request to be set at liberty on parole.

ARTICLE 12

Any prisoner of war, who is liberated on parole and recaptured bearing arms, against the Government to whom he had pledged

d'honneur, ou contre les alliés de celui-ci, perd le droit au traitement des prisonniers de guerre et peut être traduit devant les tribunaux.

ARTICLE 13

Les individus qui suivent une armée sans en faire directement partie, tels que les correspondants et les reporters de journaux, les vivandiers, les fournisseurs, qui tombent au pouvoir de l'ennemi et que celui-ci juge utile de détenir, ont droit au traitement des prisonniers de guerre, à condition qu'ils soient munis d'une légitimation de l'autorité militaire de l'armée qu'ils accompagnaient.

ARTICLE 14

Il est constitué, dès début des hostilités, dans chacun des États belligérants et, le cas échéant, dans les pays neutres qui auront recueilli des belligérants sur leur territoire, un Bureau de renseignements sur les prisonniers de guerre. Ce bureau, chargé de répondre à toutes les demandes qui les concernent, reçoit des divers services compétents toutes les indications nécessaires pour lui permettre d'établir une fiche individuelle pour chaque prisonnier de guerre. Il est tenu au courant des internements et des mutations, ainsi que des entrées dans les hôpitaux et des décès.

Le Bureau de renseignements est également chargé de recueillir et de centraliser tous les objets d'un usage personnel, valeurs, lettres, etc., qui seront trouvés sur les champs de bataille ou délaissés par des prisonniers décédés dans les hôpitaux et ambulances, et de les transmettre aux intéressés.

ARTICLE 15

Les sociétés de secours pour les prisonniers de guerre, régulièrement constituées selon la loi de leur pays et ayant pour objet d'être les intermédiaires de l'action charitable, recevront, de la part des belligérants, pour elles et pour leurs agents dûment accrédités, toute facilité, dans les limites tracées par les nécessités militaires et les règles administratives, pour accomplir efficacement leur tâche d'humanité. Les délégués de ces sociétés pourront être admis à distribuer des secours dans les dépôts d'internement, ainsi qu'aux lieux d'étape des prisonniers rapatriés, moyennant une permission personnelle délivrée par

his honor, or against the allies of that Government, forfeits his right to be treated as a prisoner of war, and can be brought before the Courts.

ARTICLE 13

Individuals who follow an army without directly belonging to it, such as newspapers correspondent and reporters, sutlers, contractors, who fall into the enemy's hands, and whom the latter think fit to detain, have a right to be treated as prisoners of war, provided they can produce a certificate from the military authorities of the army they were accompanying.

ARTICLE 14

A bureau for information relative to prisoners of war is instituted, on the commencement of hostilities, in each of the belligerent States, and, when necessary, in the neutral countries on whose territory belligerents have been received. This Bureau is intended to answer all inquiries about prisoners of war, and is furnished by the various services concerned with all the necessary information to enable it to keep an individual return for each prisoner of war. It is kept informed of internments and changes, as well as of admissions into hospitals and deaths.

It is also the duty of the Information Bureau to receive and collect all objects of personal use, valuables, letters, etc., found on the battlefields or left by prisoners who have died in hospital or ambulance, and to transmit them to those interested.

ARTICLE 15

Relief Societies for prisoners of war, which are regularly constituted in accordance with the law of the country with the object of serving as the intermediary for charity, shall receive from the belligerents for themselves and their duly accredited agents every facility, within the bounds of military requirements and Administrative Regulations, for the effective accomplishment of their humane task. Delegates of these Societies may be admitted to the places of internment for the distribution of relief, as also to the halting places of repatriated prisoners, if furnished with a personal permit by the military author-

l'autorité militaire, et en prenant l'engagement par écrit de se soumettre à toutes les mesures d'ordre et de police que celle-ci prescrirait.

ARTICLE 16

Les Bureaux de renseignements jouissent de la franchise de port. Les lettres, mândats et articles d'argent, ainsi que les colis postaux destinés aux prisonniers de guerre ou expédiés par eux, seront affranchis de toutes taxes postales, aussi bien dans les pays d'origine et de destination que dans les pays intermédiaires.

Les dons et secours en nature destinés aux prisonniers de guerre seront admis en franchise de tous droits d'entrée et autres, ainsi que des taxes de transport sur les chemins de fer exploités par l'État.

ARTICLE 17

Les officiers prisonniers pourront recevoir le complément, s'il y a lieu, de la solde qui leur est attribuée dans cette situation par les règlements de leur pays, à charge de remboursement par leur Gouvernement.

ARTICLE 18

Toute latitude est laissée aux prisonniers de guerre pour l'exercise de leur religion, y compris l'assistance aux offices de leur culte, à la seule condition de se conformer aux mesures d'ordre et de police prescrites par l'autorité militaire.

ARTICLE 19

Les testaments des prisonniers de guerre sont reçus ou dressés dans les mêmes conditions que pour les militaires de l'armée nationale.

On suivra également les mêmes règles en ce qui concerne les pièces relatives à la constatation des décès, ainsi que pour l'inhumation des prisonniers de guerre, en tenant compte de leur grade et de leur rang.

ARTICLE 20

Aprés la conclusion de la paix, le rapatriement des prisonniers de guerre s'effectuera dans le plus bref délai possible.

ities, and on giving an engagement in writing to comply with all their Regulations for order and police.

ARTICLE 16

The Information Bureau shall have the privilege of free postage. Letters, money orders, and valuables, as well as postal parcels destined for the prisoners of war or dispatched by them, shall be free of all postal duties both in the countries of origin and destination, as well as in those they pass through.

Gifts and relief in kind for prisoners of war shall be admitted free of all duties of entry and others, as well as of payments for carriage by the Government railways.

ARTICLE 17

Officers taken prisoners may receive, if necessary, the full pay allowed them in this position by their country's regulations, the amount to be repaid by their Government.

ARTICLE 18

Prisoners of war shall enjoy every latitude in the exercise of their religion, including attendance at their own church services, provided only they comply with the regulations for order and police issued by the military authorities.

ARTICLE 19

The wills of prisoners of war are received or drawn up on the same conditions as for soldiers of the National Army.

The same rules shall be observed regarding death certificates, as well as for the burial of prisoners of war, due regard being paid to their grade and rank.

ARTICLE 20

After the conclusion of peace, the repatriation of prisoners of war shall take place as speedily as possible.

Chapitre III.—*Des malades et des blessés*

Article 21

Les obligations des belligérants concernant le service des malades et des blessés sont régies par la Convention de Genève du 22 Août, 1864, sauf les modifications dont celle-ci pourra être l'objet.

Section II.—Des Hostilités

Chapitre I.— *Des moyens de nuire à l'ennemi, des sièges et des bombardements*

Article 22

Les belligérants n'ont pas un droit illimité quant au choix des moyens de nuire à l'ennemi.

Article 23

Outre les prohibitions établies par des Conventions spéciales, il est notamment *interdit:*

a. d'employer du poison ou des armes empoisonées;

b. de tuer ou de blesser par trahison des individus appartenant à la nation ou à l'armée ennemie;

c. de tuer ou de blesser un enemi qui, ayant mis bas les armes ou n'ayant plus les moyens de se défendre, s'est rendu à discrétion;

d. de déclarer qu'il ne sera pas fait de quartier;

e. d'employer des armes, des projectiles ou des matières propres à causer des maux superflus;

f. d'user indûment du pavillon parlementaire, du pavillon national ou des insignes militaires et de l'uniforme de l'ennemi, ainsi que des signes distinctifs de la Convention de Genève;

g. de détruire ou de saisir des propriétés ennemies, sauf les cas où ces destructions ou ces saisies seraient impérieusement commandées par les nécessités de la guerre.

Article 24

Les ruses de guerre et l'emploi des moyens nécessaires pour se procurer des renseignements sur l'ennemi et sur le terrain sont considérés comme *licites.*

CHAPTER III.—*On the Sick and Wounded*

ARTICLE 21

The obligations of belligerents with regard to the sick and wounded are governed by the Geneva Convention of the 22d August, 1864, subject to any modifications which may be introduced into it.

SECTION II.—ON HOSTILITIES

CHAPTER I.—*On Means of Injuring the Enemy, Sieges and Bombardments*

ARTICLE 22

The right of belligerents to adopt means of injuring the enemy is not unlimited.

ARTICLE 23

Besides the prohibitions provided by special Conventions, it is especially prohibited:

a. To employ poison or poisoned arms;

b. To kill or wound treacherously individuals belonging to the hostile nation or army;

c. To kill or wound an enemy who, having laid down arms or having no longer means of defense, has surrendered at discretion;

d. To declare that no quarter will be given;

e. To employ arms, projectiles, or material of a nature to cause superfluous injury;

f. To make improper use of a flag of truce, the national flag, or military ensigns and the enemy's uniform, as well as the distinctive badges of the Geneva Convention;

g. To destroy or seize the enemy's property, unless such destruction or seizure be imperatively demanded by the necessities of war.

ARTICLE 24

Ruses of war and the employment of methods necessary to obtain information about the enemy and the country are considered allowable.

ARTICLE 25

Il est interdit d'attaquer ou de bombarder des villes, villages, habitations ou bâtiments qui ne sont pas défendus.

ARTICLE 26

Le commandant des troupes assaillantes, avant d'entreprendre le bombardement, et sauf le cas d'attaque de vive force, devra faire tout ce qui dépend de lui pour en avertir les autorités.

ARTICLE 27

Dans les sièges et bombardements, toutes les mesures nécessaires doivent être prises pour épargner, autant que possible, les édifices consacrés aux cultes, aux arts, aux sciences et à la bienfaisance, les hôpitaux et les lieux der assemblement de malades et de blessés, à condition qu'ils ne soient pas employés en même temps à un but militaire.

Le devoir des assiégés est de désigner ces édifices ou lieux de rassemblement par des signes visibles spéciaux qui seront notifiés d'avance à l'assiégeant.

ARTICLE 28

Il es interdit de livrer au pillage même une ville ou localité prise d'assaut.

CHAPITRE II.—*Des espions*

ARTICLE 29

Ne peut être considéré comme espion que l'individu qui, agissant clandestinement ou sous de faux prétextes, recueille ou cherche à recueillir des informations dans la zone d'opérations d'un belligérant, avec l'intention de les communiquer à la partie adverse.

Ainsi les militaires non déguisés qui ont pénétré dans la zone d'opérations de l'armée ennemie, à l'effet de recueillir des informations, ne sont pas considérés comme espions. De même ne sont pas considérés comme espions: les militaires et les non-militaires, accomplissant ouvertement leur mission, chargés de transmettre des dépêches destinées soit à leur propre armée,

ARTICLE 25

The attack or bombardment of towns, villages, habitations, or buildings which are not defended is prohibited.

ARTICLE 26

The commander of an attacking force, before commencing a bombardment, except in the case of an assault, should do all he can to warn the authorities.

ARTICLE 27

In sieges and bombardments all necessary steps should be taken to spare as far as possible edifices devoted to religion, art, science, and charity, hospitals and places where the sick and wounded are collected, provided they are not used at the same time for military purposes.

The besieged should indicate these buildings or places by some particular and visible signs, which should previously be notified to the assailants.

ARTICLE 28

The pillage of a town or place, even when taken by assault, is prohibited.

CHAPTER II.—*On Spies*

ARTICLE 29

An individual can only be considered a spy if, acting clandestinely, or on false pretenses, he obtains or seeks to obtain information in the zone of operations of a belligerent, with the intention of communicating it to the hostile party.

Thus, soldiers not in disguise who have penetrated into the zone of operations of a hostile army to obtain information are not considered spies. Similarly, the following are not considered spies: soldiers or civilians, carrying out their mission openly, charged with the delivery of dispatches destined either for their own army or for that of the enemy. To this class

soit à l'armée ennemie. A cette catégorie appartiennent également les individus envoyés en ballon pour transmettre les dépêches, et, en général, pour entretenir les communications entre les diverses parties d'une armée ou d'un territoire.

ARTICLE 30

L'espion pris sur le fait ne pourra être puni sans jugement préalable.

ARTICLE 31

L'espion qui, ayant rejoint l'armée à laquelle il appartient, est capturé plus tard par l'ennemi, est traité comme prisonnier de guerre et n'encourt aucune responsabilité pour ses actes d'espionnage antérieurs.

CHAPITRE III.—*Des parlementaires*

ARTICLE 32

Est considéré comme parlementaire l'individu autorisé par l'un des belligérants à entrer en pourparlers avec l'autre et se présentant avec le drapeau blanc. Il a droit à l'inviolabilité ainsi que la trompette, clarion ou tambour, le porte-drapeau et l'interprète qui l'accompagneraient.

ARTICLE 33

Le Chef auquel un parlementaire est expédié n'est pas obligé de le recevoir en toutes circonstances.

Il peut prendre toutes les mesures nécessaires afin d'empêcher le parlementaire de profiter de sa mission pour se renseigner.

Il a le droit, en cas d'abus, de retenir temporairement le parlementaire.

ARTICLE 34

Le parlementaire perd ses droits d'inviolabilité, s'il est prouvé, d'une manière positive et irrécusable, qu'il a profité de sa position privilégiée pour provoquer ou commettre un acte de trahison.

belong likewise individuals sent in balloons to deliver dispatches, and generally to maintain communication between the various parts of an army or a territory.

ARTICLE 30

A spy taken in the act cannot be punished without previous trial.

ARTICLE 31

A spy who, after rejoining the army to which he belongs, is subsequently captured by the enemy, is treated as a prisoner of of war, and incurs no responsibility for his previous acts of espionage.

CHAPTER III.—*On Flags of Truce*

ARTICLE 32

An individual is considered as bearing a flag of truce who is authorized by one of the belligerents to enter into communication with the other, and who carries a white flag. He has a right to inviolability, as well as the trumpeter, bugler, or drummer, the flagbearer, and the interpreter who may accompany him.

ARTICLE 33

The Chief to whom a flag of truce is sent is not obliged to receive it in all circumstances.

He can take all steps necessary to prevent the envoy taking advantage of his mission to obtain information.

In case of abuse, he has the right to detain the envoy temporarily.

ARTICLE 34

The envoy loses his rights of inviolability if it is proved beyond doubt that he has taken advantage of his privileged position to provoke or commit an act of treachery.

Chapitre IV.—*Des capitulations*

Article 35

Les capitulations arrêtées entre les Parties contractantes doivent tenir compte des règles de l'honneur militaire.

Une fois fixées, elles doivent être scrupuleusement observées par les deux parties.

Chapitre V.—*De l'armistice*

Article 36

L'armistice suspend les opérations de guerre par un accord mutuel des parties belligérants. Si la durée n'en est pas déterminée, les parties belligérants peuvent reprendre en tout temps les opérations, pourvu toutefois que l'ennemi soit averti en temps convenu, conformément aux conditions de l'armistice.

Article 37

L'armistice peut être général ou local. Le premier suspend partout les opérations de guerre des États belligérants; le second, seulement entre certaines fractions des armées belligérantes et dans un rayon déterminé.

Article 38

L'armistice doit être notifié officiellement et en temps utile aux autorités compétentes et aux troupes. Les hostilités sont suspendues immédiatement après la notification ou au terme fixé.

Article 39

Il dépend des Parties contractantes de fixer, dans les clauses de l'armistice, les rapports qui pourraient avoir lieu, sur le théâtre de la guerre, avec les populations et entre elles.

Article 40

Toute violation grave de l'armistice par l'une des parties, donne à l'autre le droit de le dénoncer et même, en cas d'urgence, de reprendre immédiatement les hostilités.

CHAPTER IV.—*On Capitulations*

ARTICLE 35

Capitulations agreed on between the Contracting Parties must be in accordance with the rules of military honor.

When once settled, they must be scrupulously observed by both the parties.

CHAPTER V.—*On Armistices*

ARTICLE 36

An armistice suspends military operations by mutual agreement between the belligerent parties. If its duration is not fixed, the belligerent parties can resume operations at any time, provided always the enemy is warned within the time agreed upon, in accordance with the terms of the armistice.

ARTICLE 37

An armistice may be general or local. The first suspends all military operations of the belligerent States; the second, only those between certain fractions of the belligerent armies and in a fixed radius.

ARTICLE 38

An armistice must be notified officially, and in good time, to the competent authorities and the troops. Hostilities are suspended immediately after the notification, or at a fixed date.

ARTICLE 39

It is for the Contracting Parties to settle, in the terms of the armistice, what communications may be held, on the theater of war, with the population and with each other.

ARTICLE 40

Any serious violation of the armistice by one of the parties gives the other party the right to denounce it, and even, in case of urgency, to recommence hostilities at once.

ARTICLE 41

La violation des clauses de l'armistice, par des particuliers agissant de leur proper initiative, donne droit seulement à réclamer la punition des coupables et, s'il y a lieu, une indemnité pour les pertes éprouvées.

SECTION III.—DE L'AUTORITÉ MILITAIRE SUR LE TERRITOIRE DE L'ÉTAT ENNEMI

ARTICLE 42

Un territoire est considéré comme occupé lorsqu'il se trouve placé de fait sous l'autorité de l'armée ennemie.

L'occupation ne s'étend qu'aux territoires où cette autorité est établie et en mesure de s'exercer.

ARTICLE 43

L'autorité du pouvoir légal ayant passé de fait entre les mains de l'occupant, celui-ci prendra toutes les mesures qui dépendent de lui en vue de rétablir et d'assurer, autant qu'il est possible, l'ordre et la vie publics en respectant, sauf empêchement absolu, les lois en vigueur dans le pays.

ARTICLE 44

Il est interdit de forcer la population d'un territoire occupé à prendre part aux opérations militaires contre son propre pays.

ARTICLE 45

Il est interdit de contraindre la population d'un territoire occupé à prêter serment à la Puissance ennemie.

ARTICLE 46

L'honneur et les droits de la famille, la vie des individus et la propriété privée, ainsi que les convictions religieuses et l'exercice des cultes, doivent être respectés.

La propriété privée ne peut pas être confisquée.

ARTICLE 47

Le pillage est formellement interdit.

ARTICLE 41

A violation of the terms of the armistice by private individuals acting on their own initiative, only confers the right of demanding the punishment of the offenders, and if necessary, indemnity for the losses sustained.

SECTION III.—ON MILITARY AUTHORITY OVER HOSTILE TERRITORY

ARTICLE 42

Territory is considered occupied when it is actually placed under the authority of the hostile army.

The occupation applies only to the territory where such authority is established and in a position to assert itself.

ARTICLE 43

The authority of the legitimate power having actually passed into the hands of the occupant, the latter shall take all steps in his power to reëstablish and insure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.

ARTICLE 44

Any compulsion of the population of occupied territory to take part in military operations against its own country is prohibited.

ARTICLE 45

Any pressure on the population of occupied territory to take the oath to the hostile Power is prohibited.

ARTICLE 46

Family honors and rights, individual lives and private property, as well as religious convictions and liberty, must be respected.

Private property can not be confiscated.

ARTICLE 47

Pillage is formally prohibited.

ARTICLE 48

Si l'occupant prélève, dans le territoire occupé, les impôts, droits et péages établis au profit de l'État, il le fera, autant que possible, d'après les règles de l'assiette et de la répartition en vigueur, et il en résultera pour lui l'obligation de pourvoir aux frais de l'administration du territoire occupé dans la mesure où le Gouvernement légal y était tenu.

ARTICLE 49

Si, en dehors des impôts visés à l'article précédent, l'occupant prélève d'autres contributions en argent dans le territoire occupé, ce ne pourra être que pour les besoins de l'armée ou de l'administration de ce territoire.

ARTICLE 50

Aucune peine collective, pécuniaire ou autre, ne pourra être édictée contre les populations à raison de faits individuels dont elles ne pourraient être considérées comme solidairement responsables.

ARTICLE 51

Aucune contribution ne sera perçue qu'en vertu d'un ordre écrit et sous la responsabilité d'un général en chef.

Il ne sera procédé, autant que possible, à cette perception que d'après les règles de l'assiette et de la répartition des impôts eu vigueur.

Pour toute contribution un reçu sera délivré aux contribuables.

ARTICLE 52

Des réquisitions en natur et des services ne pourront être réclamés des communes ou des habitants que pour les besoins de l'armée d'occupation. Ils seront en rapport avec les ressources du pays et de telle nature qu'ils n'impliquent pas pour les populations l'obligation de prendre part aux opérations de la guerre contre leur patrie.

Ces réquisitions et ces services ne seront réclamés qu'avec l'autorisation du commandant dans la localité occupée.

Les prestations en nature seront, autant que possible, payées au comptant; sinon elles seront constatées par des reçus.

ARTICLE 48

If, in the territory occupied, the occupant collects the taxes, dues, and tolls imposed for the benefit of the State, he shall do it, as far as possible, in accordance with the rules in existence and the assessment in force, and will in consequence be bound to defray the expenses of the administration of the occupied territory on the same scale as that by which the legitimate Government was bound.

ARTICLE 49

If, besides the taxes mentioned in the preceding article, the occupant levies other money taxes in the occupied territory, this can only be for military necessities or the administration of such territory.

ARTICLE 50

No general penalty, pecuniary or otherwise, can be inflicted on the population on account of the acts of individuals for which it can not be regarded as collectively responsible.

ARTICLE 51

No tax shall be collected except under a written order and on the responsibility of a Commander-in-Chief.

This collection shall only take place, as far as possible, in accordance with the rules in existence and the assessment of taxes in force.

For every payment a receipt shall be given to the taxpayer.

ARTICLE 52

Neither requisition in kind nor services can be demanded from communes or inhabitants except for the necessities of the army of occupation. They must be in proportion to the resources of the country, and of such a nature as not to involve the population in the obligation of taking part in military operations against their country.

These requisitions and services shall only be demanded on the authority of the Commander in the locality occupied.

The contributions in kind shall, as far as possible, be paid for in ready money; if not, their receipt shall be acknowledged.

ARTICLE 53

L'armée qui occupe un territoire ne pourra saisir que le numéraire, les fonds et les valeurs exigibles appartenant en propre à l'État, les dépôts d'armes, moyens de transport, magasins et approvisionnements, et, en général, toute propriété mobilière de l'État de nature à servir aux opérations de la guerre.

Le matériel des chemins de fer, les télégraphes de terre, les téléphones, les bateaux à vapeur et autres navires, en dehors des cas régis par la loi maritime, de même que les dépôts d'armes et en général toute espèce de munitions de guerre, même appartenant à des sociétés ou à des personnes privées, sont également des moyens de nature à servir aux opérations de la guerre, mais devront être restitués, et les indemnités seront réglées à la paix.

ARTICLE 54

Le matériel des chemins de fer provenant d'États neutres, qu'il appartienne à ces États ou à des Sociétés ou personnes privées, leur sera renvoyé aussitôt que possible.

ARTICLE 55

L'État occupant ne se considérera que comme administrateur et usufruitier des édifices publics, immeubles, forêts et exploitations agricoles appartenant à l'État ennemi et se trouvant dans le pays occupé. Il devra sauvegarder le fond de ces propriétés et les administrer conformément aux règles de l'usufruit.

ARTICLE 56

Les biens des communes, ceux des établissements consacrés aux cultes, à la charité et à l'instruction, aux arts et aux sciences, même appartenant à l'État, seront traités comme la propriété privée.

Toute saisie, destruction ou dégradation intentionnelle de semblables établissements, de monuments historiques, d'œuvres d'art et de science, est interdite et doit être poursuivie.

ARTICLE 53

An army of occupation can only take possession of the cash, funds and property liable to requisition belonging strictly to the State, depôts of arms, means of transport, stores and supplies, and, generally, all movable property of the State which may be used for military operations.

Railway plant, land telegraphs, telephones, steamers and other ships, apart from cases governed by maritime law, as well as depôts of arms and, generally, all kinds of war material even though belonging to Companies or to private persons, are likewise material which may serve for military operations, but they must be restored at the conclusion of peace, and indemnities paid for them.

ARTICLE 54

The plant of railways coming from neutral States, whether the property of those States, or of Companies, or of private persons, shall be sent back to them as soon as possible.

ARTICLE 55

The occupying State shall only be regarded as administrator and usufructuary of the public buildings, real property, forests, and agricultural works belonging to the hostile State, and situated in the occupied country. It must protect the capital of these properties, and administer it according to the rules of usufruct.

ARTICLE 56

The property of the communes, that of religious, charitable, and educational institutions, and those of arts and science, even when State property, shall be treated as private property.

All seizure of, and destruction, or intentional damage done to such institutions, to historical monuments, works of art or science, is prohibited, and should be made the subject of proceedings.

SECTION IV.—Des Belligérants Internés et des Blessés Soignés chez les Neutres

Article 57

L'État neutre qui reçoit sur son territoire des troupes appartenant aux armées belligérantes, les internera, autant que possible, loin du théâtre de la guerre.

Il pourra les garder dans des camps, et même les enfermer dans les forteresses ou dans des lieux appropriés à cet effet.

Il décidera si les officiers peuvent être laissés libres en prenant l'engagement sur parole de ne pas quitter le territoire neutre sans autorisation.

Article 58

A défaut de convention spéciale, l'État neutre fournira aux internés les vivres, les habillements et les secours commandés par l'humanité.

Bonification sera faite, à la paix, des frais occasionnés par par l'internement.

Article 59

L'État neutre pourra autoriser le passage sur son territoire des blessés ou malades appartenant aux armées belligérantes, sous la réserve que les trains qui les amèneront ne transporteront ni personnel, ni matériel de guerre. En pareil cas, l'État neutre est tenu de prendre les mesures de sûreté et de contrôle nécessaires à cet effet.

Les blessés ou malades amenés dans ces conditions sur le territoire neutre par un des belligérants, et qui appartiendraient à la partie adverse, devront être gardés par l'État neutre de manière qu'ils ne puissent de nouveau prendre part aux opérations de la guerre. Celui-ci aura les mêmes devoirs quant aux blessés ou malades de l'autre armée qui lui seraient confiés.

Article 60

La Convention de Genève s'applique aux malades et aux blessés internés sur territoire neutre.

SECTION IV.—On the Internment of Belligerents and the Care of the Wounded in Neutral Countries

Article 57

A neutral State which receives in its territory troops belonging to the belligerent armies shall intern them, as far as possible, at a distance from the theater of war.

It can keep them in camps, and even confine them in fortresses or locations assigned for this purpose.

It shall decide whether officers may be left at liberty on giving their parole that they will not leave the neutral territory without authorization.

Article 58

Failing a special Convention, the neutral State shall supply the interned with the food, clothing and relief required by humanity.

At the conclusion of peace, the expenses caused by the internment shall be made good.

Article 59

A neutral State may authorize the passage through its territory of wounded or sick belonging to the belligerent armies, on condition that the trains bringing them shall carry neither combatants nor war material. In such a case, the neutral State is bound to adopt such measures of safety and control as may be necessary for the purpose.

Wounded and sick brought under these conditions into neutral territory by one of the belligerents, and belonging to the hostile party, must be guarded by the neutral State, so as to insure their not taking part again in the military operations. The same duty shall devolve on the neutral State with regard to wounded or sick of the other army who may be committed to its care.

Article 60

The Geneva Convention applies to sick and wounded interned in neutral territory.

CONVENTION POUR L'ADAPTATION À LA GUERRE MARITIME DES PRINCIPES DE LA CONVENTION DE GENÈVE DU 22 AOÛT 1864

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse; Sa Majesté l'Empereur d'Autriche, Roi de Bohême, etc., et Roi Apostolique de Hongrie; Sa Majesté le Roi des Belges; Sa Majesté l'Empereur de Chine; Sa Majesté le Roi de Danemark; Sa Majesté le Roi d'Espagne et en Son Nom Sa Majesté la Reine-Régente du Royaume; le Président des États-Unis d'Amérique; le Président des États-Unis Mexicains; le Président de la République Française; Sa Majesté la Reine du Royaume-Uni de la Grande Bretagne et d'Irlande, Impératrice des Indes; Sa Majesté le Roi des Hellènes; Sa Majesté le Roi d'Italie; Sa Majesté l'Empereur du Japon; Son Altesse Royale le Grand-Duc de Luxembourg, Duc de Nassau; Son Altesse le Prince de Monténégro; Sa Majesté la Reine des Pays-Bas; Sa Majesté Impériale le Schah de Perse; Sa Majesté le Roi de Portugal et des Algarves, etc.; Sa Majesté le Roi de Roumanie; Sa Majesté l'Empereur de Toutes les Russies; Sa Majesté le Roi de Serbie; Sa Majesté le Roi de Siam; Sa Majesté le Roi de Suède et de Norvège; le Conseil Fédéral Suisse; Sa Majesté l'Empereur des Ottomans et Son Altesse Royale le Prince de Bulgarie.

Également animés du désir de diminuer autant qu'il dépend d'eux les maux inséparables de la guerre et voulant dans ce but



CONVENTION FOR THE ADAPTATION TO MARITIME WARFARE OF THE PRINCIPLES OF THE GENEVA CONVENTION OF AUGUST 22, 1864

His Majesty the Emperor of Germany, King of Prussia; His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary; His Majesty the King of the Belgians; His Majesty the Emperor of China; His Majesty the King of Denmark; His Majesty the King of Spain and in His Name Her Majesty the Queen Regent of the Kingdom; the President of the United States of America; the President of the United Mexican States; the President of the French Republic; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the King of the Hellenes; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; His Highness the Prince of Montenegro; Her Majesty the Queen of the Netherlands; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, etc.; His Majesty the King of Roumania; His Majesty the Emperor of all the Russias; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden and Norway; the Swiss Federal Council; His Majesty the Emperor of the Ottomans and His Royal Highness the Prince of Bulgaria.

Alike animated by the desire to diminish, as far as depends on them, the evils inseparable from warfare, and wishing with this object to adapt to maritime warfare the principles of the Geneva Convention of the 22d August, 1864, have decided to conclude a convention to this effect.

They have, in consequence, appointed as their Plenipotentiaries, to wit:

[Names]

Who, after communication of their full powers, found in good and due form, have agreed on the following provisions:

Article 1

Military hospital ships, that is to say, ships constructed or assigned by States specially and solely for the purpose of assist-

en vue de porter secours aux blessés, malades et naufragés, et dont les noms auront été communiqués, à l'ouverture ou au cours des hostilités, en tout cas avant toute mise en usage, aux Puissances belligérantes, sont respectés et ne peuvent être capturés pendant la durée des hostilités.

Ces bâtiments ne sont pas non plus assimilés aux navires de guerre au pont de vue de leur séjour dans un port neutre.

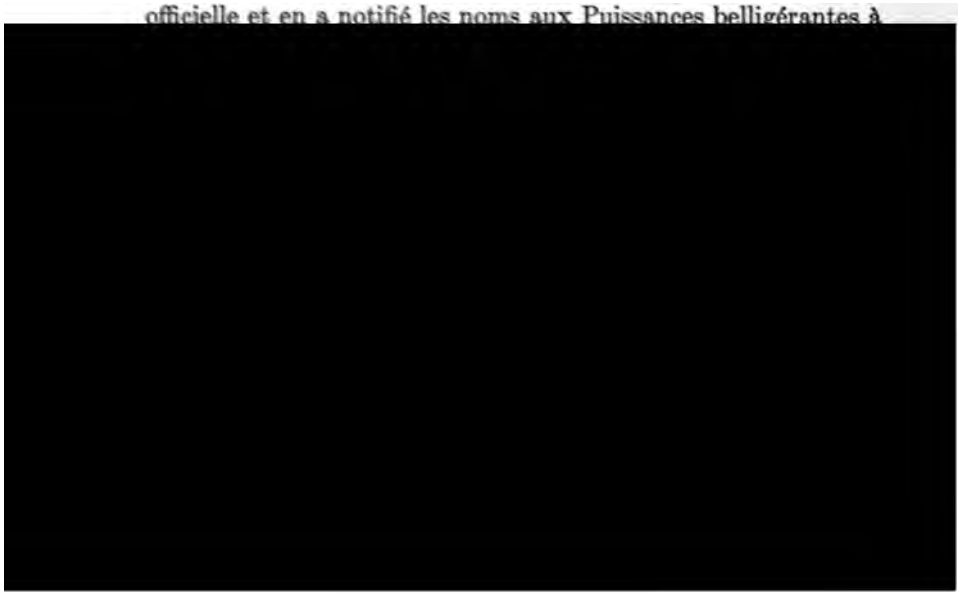
ARTICLE 2

Les bâtiments hospitaliers, équipés en totalité ou en partie aux frais des particuliers ou des sociétés de secours officiellement reconnues, sont également respectés et exempts de capture, si la Puissance belligérante dont ils dépendent leur a donné une commission officielle et en a notifié les noms à la Puissance adverse à l'ouverture ou au cours des hostilités, en tout cas avant toute mise en usage.

Ces navires doivent être porteurs d'un document de l'autorité compétente déclarant qu'ils ont été soumis à son contrôle pendant leur armement et à leur départ final.

ARTICLE 3

Les bâtiments hospitaliers, équipés en totalité ou en partie aux frais des particuliers ou des sociétés officiellement reconnues de pays neutres, sont respectés et exempts de capture, si la Puissance neutre dont ils dépendent leur a donné une commission officielle et en a notifié les noms aux Puissances belligérantes à



ing the wounded, sick, or shipwrecked, and the names of which shall have been communicated to the belligerent Powers at the beginning or during the course of hostilities, and in any case before they are employed, shall be respected and can not be captured while hostilities last.

These ships, moreover, are not on the same footing as men-of-war as regards their stay in a neutral port.

Article 2

Hospital ships, equipped wholly or in part at the cost of private individuals or officially recognized relief Societies, shall likewise be respected and exempt from capture, provided the belligerent Power to whom they belong has given them an official commission and has notified their names to the hostile Power at the Commencement of or during hostilities, and in any case before they are employed.

These ships should be furnished with a certificate from the competent authorities, declaring that they had been under their control while fitting out and on final departure.

Article 3

Hospital ships, equipped wholly or in part at the cost of private individuals or officially recognized Societies of neutral countries, shall be respected and exempt from capture, if the neutral Power to whom they belong has given them an official commission and notified their names to the belligerent Powers at the commencement of or during hostilities, and in any case before they are employed.

Article 4

The ships mentioned in Articles 1, 2 and 3 shall afford relief and assistance to the wounded, sick and shipwrecked of the belligerents independently of their nationality.

The Governments engage not to use these ships for any military purpose.

These ships must not in any way hamper the movements of the combatants.

During and after an engagement they will act at their own risk and peril.

Les belligérants auront sur eux le droit de contrôle et de visite; ils pourront refuser leur concours, leur enjoindre de s'éloigner, leur imposer une direction déterminée et mettre à bord un commissaire, même les détenir, si la gravité des circonstances l'exigeait.

Autant que possible, les belligérants inscriront sur le journal de bord des bâtiments hospitaliers les ordres qui'ls leur donneront.

ARTICLE 5

Les bâtiments-hôpitaux militaires seront distingués par une peinture extérieure blanche avec une bande horizontale verte d'un mètre et demi de largeur environ.

Les bâtiments qui sont mentionnés dans les articles 2 et 3 seront distingués par une peinture extérieure blanche avec une bande horizontale rouge d'un mètre et demi de largeur environ.

Les embarcations des bâtiments qui viennent d'être mentionnés, comme les petits bâtiments qui pourront être affectés au service hospitalier, se distingueront par une peinture analogue.

Tous les bâtiments hospitaliers se feront reconnaître en hissant, avec leur pavillon national, le pavillon blanc à croix rouge prévu par la Convention de Genève.

ARTICLE 6

Les bâtiments de commerce, yachts ou embarcations neutres, portant ou recueillant des blessés, des malades ou des naufragés des belligérants, ne peuvent être capturés pour le fait de ce transport, mais ils restent exposés à la capture pour les violations de neutralité qu'ils pourraient avoir commises.

ARTICLE 7

Le personnel religieux, médical et hospitalier de tout bâtiment capturé est inviolable et ne peut être fait prisonnier de guerre. Il emporte, en quittant le navire, les objets et les instruments de chirurgie qui sont sa propriété particulière.

Ce personnel continuera à remplir ses fonctions tant que cela sera nécessaire, et il pourra ensuite se retirer lorsque le commandant en chef le jugera possible.

The belligerents will have the right to control and visit them; they can refuse to help them, order them off, make them take a certain course, and put a Commissioner on board; they can even detain them, if important circumstances require it.

As far as possible the belligerents shall inscribe in the sailing papers of the hospital ships the orders they give them.

Article 5

The military hospital ships shall be distinguished by being painted white outside with a horizontal band of green about a meter and a half in breadth.

The ships mentioned in Articles 2 and 3 shall be distinguished by being painted white outside with a horizontal band of red about a meter and a half in breadth.

The boats of the ships above mentioned, as also small craft which may be used for hospital work, shall be distinguished by similar painting.

All hospital ships shall make themselves known by hoisting together with their national flag, the white flag with a red cross provided by the Geneva Convention.

Article 6

Neutral merchantmen, yachts, or vessels, having or taking on board sick, wounded, or shipwrecked of the belligerents can not be captured for so doing, but they are liable to capture for any violation of neutrality they may have committed.

Article 7

The religious, medical, or hospital staff of any captured ship is inviolable, and its members can not be made prisoners of war. On leaving the ship they take with them the objects and surgical instruments which are their own private property.

This staff shall continue to discharge its duties while necessary, and can afterwards leave when the Commander-in-Chief considers it possible.

Les belligérants doivent assurer à ce personnel tombé entre leurs mains la jouissance intégrale de son traitement.

ARTICLE 8

Les marins et les militaires embarqués blessés ou malades, à quelque nation qu'ils appartiennent, seront protégés et soignés par les capteurs.

ARTICLE 9

Sont prisonniers de guerre les naufragés, blessés ou malades d'un belligérant qui tombent au pouvoir de l'autre. Il appartient à celui-ci de décider, suivant les circonstances, s'il convient de les garder, de les diriger sur un port de sa nation, sur un port neutre ou même sur un port de l'adversaire. Dans ce dernier cas, les prisonniers ainsi rendus à leur pays ne pourront servir pendant la durée de guerre.

ARTICLE 10

[Exclu.]

Les naufragés, blessés, ou malades, qui sont débarqués dans un port neutre, du consentement de l'autorité locale, devront, à moins d'un arrangement contraire de l'État neutre avec les États belligérants, être gardés par l'État neutre de manière qu'ils ne puissent pas de nouveau prendre part aux opérations de la guerre.



The belligerents must guarantee to the staff that has fallen into their hands the enjoyment of their salaries intact.

ARTICLE 8

Sailors and soldiers who are taken on board when sick or wounded, to whatever nation they belong, shall be protected and looked after by the captors.

ARTICLE 9

The shipwrecked, wounded or sick of one of the belligerents who fall into the hands of the other are prisoners of war. The captor must decide, according to circumstances, if it is best to keep them or send them to a port of his own country, to a neutral port, or even to a hostile port. In the last case, prisoners thus repatriated can not serve as long as the war lasts.

ARTICLE 10

[Excluded.][1]

The shipwrecked, wounded or sick, who are landed at a neutral port with the consent of the local authorities, must, failing a contrary arrangement between the neutral State and the belligerents, be guarded by the neutral State, so that they cannot again take part in the military operations.

The expenses of tending them in hospital and internment shall be borne by the State to which the shipwrecked, wounded, or sick belong.

ARTICLE 11

The rules contained in the above articles are binding only on the Contracting Powers, in case of war between two or more of them.

[1] Upon signing this convention Germany, the United States, Great Britain and Turkey made a reservation as to this article, and it was subsequently omitted, all parties agreeing thereto. See Holls' Peace Conference at The Hague, pp. 128–30. This article was adopted in the above form at the Second Hague Conference, however, and appears as Article 15 in the revised convention, p. 455.

Lesdites règles cesseront d'être obligatoires du moment où, dans une guerre entre des Puissances contractantes, une Puissance non contractante se joindrait à l'un des belligérants.

ARTICLE 12

La présente Convention sera ratifiée dans le plus bref délai possible.

Les ratifications seront déposées à La Haye.

Il sera dressé du dépôt de chaque ratification un procès-verbal, dont une copie, certifiée conforme, sera remise, par la voie diplomatique, à toutes les Puissances contractantes.

ARTICLE 13

Les Puissances non signataires, qui auront accepté la Convention de Genève du 22 Août, 1864, sont admises à adhérer à la présente Convention.

Elles auront, à cet effet, à faire connaître leur adhésion aux Puissances contractantes, au moyen d'une notification écrite, adressée au Gouvernement des Pays-Bas, et communiquée par celui-ci à toutes les autres Puissances contractantes.

ARTICLE 14

S'il arrivait qu'une des Hautes Parties Contractantes dénonçât la présente Convention, cette dénonciation ne produirait ses effets qu'un an après la notification faite par écrit au Gouvernement des Pays-Bas et communiquée immédiatement par celui-ci à toutes les autres Puissances contractantes.

Cette dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée.

En foi de quoi, les Plénipotentiaires respectifs ont signé la présente Convention et l'ont revêtue de leurs sceaux.

Fait à La Haye, le 29 Juillet, 1899, en un seul exemplaire qui restera déposé dans les archives du Gouvernement des Pays-Bas et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances contractantes.

[Signatures]

The said rules shall cease to be binding from the time when, in a war between the Contracting Powers, one of the belligerents is joined by a non-Contracting Power.

ARTICLE 12

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

On the receipt of each ratification a *procès-verbal* shall be drawn up, a copy of which, duly certified, shall be sent through the diplomatic channel to all the Contracting Powers.

ARTICLE 13

The non-Signatory Powers who accepted the Geneva Convention of the 22d August, 1864, are allowed to adhere to the present Convention.

For this purpose they must make their adhesions known to the Contracting Powers by means of a written notification addressed to the Netherlands Government, and by it communicated to all the other Contracting Powers.

ARTICLE 14

In the event of one of the High Contracting Parties denouncing the present Convention, such denunciation shall not take effect until a year after the notification made in writing to the Netherlands Government, and forthwith communicated by it to all the other Contracting Powers.

This denunciation shall only affect the notifying Power.

In testimony whereof the respective Plenipotentiaries have signed the present Convention and affixed their seals thereto.

Done at The Hague the 29th July, 1899, in single copy, which shall be kept in the archives of the Government of the Netherlands, and copies of which, duly certified, shall be sent through the diplomatic channel to the Contracting Powers.

[Signatures]

DÉCLARATION

Les Soussignés, Plénipotentiaires des Puissances représentées à la Conférence Internationale de la Paix à La Haye, dûment autorisés à cet effet par leurs Gouvernements,

S'inspirant des sentiments qui ont trouvé leur expression dans la Déclaration de Saint Pétersbourg du 29 Novembre (11 Décembre), 1868,

Déclarent:

Les Puissances Contractantes consentent, pour une durée de cinq ans, à l'interdiction de lancer des projectiles et des explosifs du haut de ballons ou par d'autres modes analogues nouveaux.

La présente Déclaration n'est obligatoire que pour les Puissances Contractantes, en cas de guerre entre deux ou plusieurs d'entre elles.

Elle cessera d'être obligatoire du moment où dans une guerre entre des Puissances Contractantes, une Puissance non-Contractante se joindrait à l'un des belligérants.

La présente Déclaration sera ratifiée dans le plus bref délai possible.

Les ratifications seront déposées à La Haye.

Il sera dressé du dépôt de chaque ratification un procès-verbal, dont une copie, certifiée conforme, sera remise par la voie diplomatique à toutes les Puissances Contractantes.

Les Puissances non-Signataires pourront adhérer à la présente Déclaration. Elles auront, à cet effet, à faire connaître leur adhésion aux Puissances Contractantes, au moyen d'une notification écrite, adressée au Gouvernement des Pays-Bas et communiquée par celui-ci à toutes les autres Puissances Contractantes.

S'il arrivait qu'une des Hautes Parties Contractantes dénonçât la présente Déclaration, cette dénonciation ne produirait ses effets qu'un an après la notification faite par écrit au Gouvernement des Pays-Bas et communiquée immédiatement par celui-ci à toutes les autres Puissances Contractantes.

Cette dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée.

En foi de quoi, les Plénipotentiaires ont signé la présente Déclaration et l'ont revêtue de leurs cachets.

DECLARATION

The Undersigned, Plenipotentiaries of the Powers represented at the International Peace Conference at The Hague, duly authorized to that effect by their Governments,

Inspired by the sentiments which found expression in the Declaration of St. Petersburg of the 29th November (11th December), 1868,

Declare that:

The Contracting Powers agree to prohibit, for a term of five years, the launching of projectiles and explosives from balloons, or by other new methods of a similar nature.

The present Declaration is only binding on the Contracting Powers in case of war between two or more of them.

It shall cease to be binding from the time when, in a war between the Contracting Powers, one of the belligerents is joined by a non-Contracting Power.

The present Declaration shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

A *procès-verbal* shall be drawn up on the receipt of each ratification, of which a copy, duly certified, shall be sent through the diplomatic channel to all the Contracting Powers.

The non-Signatory Powers may adhere to the present Declaration. For this purpose they must make their adhesions known to the Contracting Powers by means of a written notification addressed to the Netherlands Government, and communicated by it to all the other Contracting Powers.

In the event of one of the High Contracting Parties denouncing the present Declaration, such denunciation shall not take effect until a year after the notification made in writing to the Netherlands Government, and by it forthwith communicated to all the other Contracting Powers.

This denunciation shall only affect the notifying Power.

In faith of which the Plenipotentiaries have signed the present Declaration, and affixed their seals thereto.

Fait à La Haye, le 29 Juillet, 1899, en un seul exemplaire, qui restera déposé dans les archives du Gouvernement des Pays-Bas et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances Contractantes.

[Signatures]

DÉCLARATION

Les Soussignés, Plénipotentiaires des Puissances représentées à la Conférence Internationale de la Paix à La Haye, dûment autorisés à cet effet par leurs Gouvernements,

S'inspirant des sentiments qui ont trouvé leur expression dans la Déclaration de Saint-Pétersbourg du 29 Novembre (11 Décembre), 1868,

Déclarent:

Les Puissances Contractantes s'interdisent l'emploi de projectiles qui ont pour but unique de répandre des gaz asphyxiants ou délétères.

La présente Déclaration n'est obligatoire que pour les Puissances Contractantes, en cas de guerre entre deux ou plusieurs d'entre elles.

Elle cessera d'être obligatoire du moment où, dans une guerre entre des Puissances Contractantes, une Puissance non-Contractante se joindrait à l'un des belligérants.

La présente Déclaration sera ratifiée dans le plus bref dèlai possible.

Les ratifications seront déposées à La Haye.

Il sera dressé du dépôt de chaque ratification un procès-verbal, dont une copie, certifiée conforme, sera remise par la voie diplomatique à toutes les Puissances Contractantes.

Les Puissances non-Signataires pourront adhérer à la présente Déclaration. Elles auront, à cet effet, à faire connaître leur adhésion aux Puissances Contractantes, au moyen d'une notification écrite, adressée au Gouvernement des Pays-Bas et communiquée par celui-ci à toutes les autres Puissances Contractantes.

S'il arrivait qu'une des Hautes Parties Contractantes dénonçât la présente Déclaration, cette dénonciation ne produirait ses effets qu'un an après la notification faite par écrit au Gouverne-

Done at The Hague the 29th July, 1899, in a single copy, which shall be kept in the archives of the Netherlands Government, and of which copies, duly certified, shall be sent through the diplomatic channel to the Contracting Powers.

[Signatures]

DECLARATION

The Undersigned, Plenipotentiaries of the Powers represented at the International Peace Conference at The Hague, duly authorized to that effect by their Governments,

Inspired by the sentiments which found expression in the Declaration of St. Petersburg of the 29th November (11th December), 1868,

Declare as follows:

The Contracting Powers agree to abstain from the use of projectiles the object of which is the diffusion of asphyxiating or deleterious gases.

The present Declaration is only binding on the Contracting Powers in the case of a war between two or more of them.

It shall cease to be binding from the time when, in a war between the Contracting Powers, one of the belligerents shall be joined by a non-Contracting Power.

The present Declaration shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

A *procès-verbal* shall be drawn up on the receipt of each ratification, a copy of which, duly certified, shall be sent through the diplomatic channel to all the Contracting Powers.

The non-Signatory Powers can adhere to the present Declaration. For this purpose they must make their adhesion known to the Contracting Powers by means of a written notification addressed to the Netherlands Government, and by it communicated to all the other Contracting Powers.

In the event of one of the High Contracting Parties denouncing the present Declaration, such denunciation shall not take effect until a year after the notification made in writing to the

ment des Pays-Bas et communiquée immédiatement par celui-ci à toutes les autres Puissances Contractantes.

Cette dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée.

En foi de quoi, les Plénipotentiaires ont signé la présente Déclaration et l'ont revêtue de leurs cachets.

Fait à La Haye, le 29 Juillet, 1899, en un seul exemplaire, qui restera déposé dans les archives du Gouvernement des Pays-Bas et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances Contractantes.

[Signatures]

DÉCLARATION

Les Soussignés, Plénipotentiaires des Puissances représentées à la Conférence Internationale de la Paix à La Haye, dûment autorisés à cet effet par leurs Gouvernements,

S'inspirant des sentiments qui ont trouvé leur expression dans la Déclaration de Saint-Pétersbourg de 29 Novembre (11 Décembre), 1868,

Déclarent:

Les Puissances Contractantes s'interdisent l'emploi de balles qui s'épanouissent ou s'aplatissent facilement dans le corps humain, telles que les balles à enveloppe dure dont l'enveloppe ne couvrirait pas entièrement le noyau ou serait pourvue d'incisions.

La présente Déclaration n'est obligatoire que pour les Puissances Contractantes en cas de guerre entre deux ou plusieurs d'entre elles.

Elle cessera d'être obligatoire du moment où, dans une guerre entre les Puissances Contractantes, une Puissance non-Contractante se joindrait à l'un des belligérants.

La présente Déclaration sera ratifiée dans le plus bref délai possible.

Les ratifications seront déposées à La Haye.

Il sera dressé du dépôt de chaque ratification un procès-verbal, dont une copie, certifiée conforme, sera remise par la voie diplomatique à toutes les Puissances Contractantes.

Government of the Netherlands, and forthwith communicated by it to all the other Contracting Powers.

This denunciation shall only affect the notifying Powers.

In faith of which the Plenipotentiaries have signed the present Declaration, and affixed their seals thereto.

Done at The Hague, the 29th July, 1899, in a single copy, which shall be kept in the archives of the Netherlands Government, and copies of which, duly certified, shall be sent by the diplomatic channel to the Contracting Powers.

[Signatures]

DECLARATION

The Undersigned, Plenipotentiaries of the Powers represented at the International Peace Conference at The Hague, duly authorized to that effect by their Governments,

Inspired by the sentiments which found expression in the Declaration of St. Petersburg of the 29th November (11th December), 1868,

Declare as follows:

The Contracting Parties agree to abstain from the use of bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core, or is pierced with incisions.

The present Declaration is only binding for the Contracting Powers in the case of a war between two or more of them.

It shall cease to be binding from the time when, in a war between the Contracting Parties, one of the belligerents is joined by a non-Contracting Power.

The present Declaration shall be ratified as soon as possible.

The ratification shall be deposited at The Hague.

A *procès-verbal* shall be drawn up on the receipt of each ratification, a copy of which, duly certified, shall be sent through the diplomatic channel to all the Contracting Powers.

Les Puissances non-Signataires pourront adhérer à la présente Déclaration. Elles auront, à cet effet, à faire connaître leur adhésion aux Puissances Contractantes, au moyen d'une notification écrite, adressée au Gouvernement des Pays-Bas et communiquée par celui-ci à toutes les autres Puissances Contractantes.

S'il arrivait qu'une des Hautes Parties Contractantes dénonçat la présente Déclaration, cette dénonciation ne produirait ses effets qu'un an après la notification faite par écrit au Gouvernement des Pays-Bas et communiquée immédiatement par celui-ci à toutes les autres Puissances Contractantes.

Cet dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée.

Ee foi de quoi, les Plénipotentiaires ont signé la présente Déclaration et l'ont revêtue de leurs cachets.

Fait à La Haye, le 29 Juillet, 1899, en un seul exemplaire, qui restera déposé dans les archives du Gouvernement de Pays-Bas et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances Contractantes.

[Signatures]



The non-Signatory Powers may adhere to the present Declaration. For this purpose they must make their adhesion known to the Contracting Powers by means of a written notification addressed to the Netherlands Government, and by it communicated to all the other Contracting Powers.

In the event of one of the High Contracting Parties denouncing the present Declaration, such denunciation shall not take effect until a year after the notification made in writing to the Netherlands Government, and forthwith communicated by it to all the other Contracting Powers.

This denunciation shall only affect the notifying Power.

In faith of which the Plenipotentiaries have signed the present Declaration, and have affixed their seals thereto.

Done at The Hague the 29th July, 1899, in a single copy, which shall be kept in the archives of the Netherlands Government, and of which copies, duly certified, shall be sent through the diplomatic channel to the Contracting Powers.

[Signatures]

Tableau des États Signataires des Conventions de la Première Conférence de la Paix, 1899

S = signé R = réserve	I Convention pour le règlement pacifique des conflits internationaux.	II Convention concernant les lois et coutumes de la guerre sur terre.	III Convention pour l'adaptation à la guerre maritime des principes de la Convention de Genève du 22 Août, 1864.	Déclaration concernant l'interdiction de lancer des projectiles et des explosifs du haut de ballons ou par d'autres modes analogues nouveaux.	Déclaration concernant l'interdiction de l'emploi de projectiles qui ont pour but unique de répandre des gaz asphyxiants ou délétères.	Déclaration concernant l'interdiction de l'emploi des balles qui s'épanouissent ou s'aplatissent facilement dans le corps humain, telles que les balles à enveloppe dure dont l'enveloppe ne couvrirait pas entièrement le noyau ou serait pourvue d'incisions.	Acte Final.
Signataires:							
Allemagne	S	S	S	S	S	S	S
Autriche-Hongrie	S	S	S	S	S	S	S
Belgique	S	S	S	S	S	S	S
Chine	S	Adhéré	S	S	S	S	S
Danemark	S	S	S	S	S	S	S
Espagne	S	S	S	S	S	S	S
États-Unis (d'Amér.)	S R	S	S	S			S
États-Unis Mexicains	S	S	S	S	S	S	S
France	S	S	S	S	S	S	S
Grande-Bretagne							

uis le 4 Septembre, 1905.

Table of Signatures to the Conventions of the First Peace Conference, 1899

S = signed. R = reserved.	I Convention for the pacific settlement of international conflicts.	II Convention concerning the laws and customs of war on land.	III Convention for the adaptation to maritime warfare of the principles of the Geneva Convention of August 22, 1864.	Declaration concerning prohibition of launching of projectiles and explosives from balloons or by other similar new methods.	Declaration concerning prohibition of use of projectiles, the only object of which is the diffusion of asphyxiating or deleterious gases.	Declaration concerning the prohibition of the use of bullets which expand or flatten easily in the human body, such as bullets with a hard envelope, of which the envelope does not entirely cover the core, or is pierced with incisions.	Final Act.
Signatories:							
Germany	S	S	S	S	S	S	S
Austria-Hungary	S	S	S	S	S	S	S
Belgium	S	S	S	S	S	S	S
China	Adhered	S	S	S	S	S	S
Denmark	S	S	S	S	S	S	S
Spain	S	S	S	S	S	S	S
United States	S R	S	S	S			S
Mexico	S	S	S	S	S	S	S
France	S	S	S	S	S	S	S
Great Britain and Ireland	S	S	S		Adhered	Adhered	S
Greece	S	S	S	S	S	S	S
Italy	S	S	S		S	S	S
Japan	S	S	S		S	S	S
Luxemburg	S	S	S		S	S	S
Montenegro	S	S	S	S	S	S	S
Netherlands	S	S	S	S	S	S	S
Persia	S	S	S	S	S	S	S
Portugal	S	S	S	S	S	Adhered	S
Roumania	S R	S	S	S	S	S	S
Russia	S	S	S	S	S	S	S
Servia	S R	S	S	S	S	S	S
Siam	S	S	S	S	S	S	S
Sweden and Norway	S	S	S	S	S	S	S
Switzerland	S	Adhered	S	S	S	S	S
Turkey	S R	S	S	S	S	S	S
Bulgaria	S	S	S	S	S	S	S

This declaration expired September 4, 1905

Tableau des États Signataires des Conventions de la Première Conférence de la Paix, 1899
(Suite)

S = signé. R = réserve.	I Convention pour le règlement pacifique des conflits internationaux.	II Convention concernant les lois et coutumes de la guerre sur terre.	III Convention pour l'adaptation à la guerre maritime des principes de la Convention de Genève du 22 Août, 1864.	Déclaration concernant l'interdiction de lancer des projectiles et des explosifs du haut de ballons ou par d'autres modes analogues nouveaux.	Déclaration concernant l'interdiction de l'emploi projectiles qui ont pour but unique de répandre des gas asphyxiants ou délétères.	Déclaration concernant l'interdiction de l'emploi des balles qui s'épanouissent ou s'aplatissent facilement dans le corps humain, telles que les balles à enveloppe dure dont l'enveloppe ne couvrirait pas entièrement le noyau ou serait pourvue d'incisions.	Acte Final.
Adhérents:							
Argentine	S	S	S				
Bolivie	S	S	S				
Brésil	S	S	S				

[redacted]

Table of Signatures to the Conventions of the First Peace Conference, 1899
(Continued)

S = signed. R = reserved.	I Convention for the pacific settlement of international conflicts.	II Convention concerning the laws and customs of war on land.	III Convention for the adaptation to maritime warfare of the principles of the Geneva Convention of August 22, 1864.	Declaration concerning prohibition of launching of projectiles and explosives from balloons or by other similar new methods.	Declaration concerning prohibition of use of projectiles, the only object of which is the diffusion of asphyxiating or deleterious gases.	Declaration concerning the prohibition of the use of bullets which expand or flatten easily in the human body, such as bullets with a hard envelope, of which the envelope does not entirely cover the core, or is pierced with incisions.	Final Act.
Adherents:							
Argentine Republic	S	S	S				
Bolivia	S	S	S				
Brazil	S	S	S				
Chile	S	S	S				
Colombia	S	S	S				
Costa Rica							
Cuba	S	S	S				
Dominican Republic	S	S	S				
Ecuador	S	S	S				
Guatemala	S	S	S				
Haiti	S	S	S				
Honduras		S	S				
Korea		S	S				
Nicaragua	S	S	S		S		
Panama	S	S	S				
Paraguay	S	S	S				
Peru	S	S	S				
Salvador	S	S	S				
Uruguay	S	S	S				
Venezuela	S	S	S				

RÉSERVES

Convention pour le Règlement Pacifique des Conflits Internationaux

États-Unis d'Amerique:

Rien de ce qui est contenu dans cette Convention ne peut être interprété de façon à obliger les États-Unis d'Amérique à se départir de leur politique traditionelle, en vertu de laquelle ils s'abstiennent d'intervenir, de s'ingérer, ou de s'immiscer dans les questions politiques ou dans la politique ou dans l'administration intérieure d'aucun État étranger. Il est bien entendu également que rien dans la Convention ne pourra être interprété comme impliquant un abandon par les États-Unis d'Amérique de leur attitude, traditionelle à l'égard des questions purement Américaines.

Roumanie:

Le Gouvernement Royal de Roumanie, complètement acquis au principe de l'arbitrage facultatif, dont il apprécie toute l'importance dans les relations internationales, n'entend cependant pas prendre, par l'article 15, un engagement d'accepter un arbitrage dans tous les cas qui y sont prévus, et il croit devoir formuler des réserves expresses à cet égard.

Il ne peut donc voter cet article que sous cette réserve.

Le Gouvernement Royal de Roumanie déclare qu'il ne peut adhérer à l'article 16 qu'avec la réserve expresse, consignée au procès-verbal, qu'il est décidé à ne pas accepter, en aucun cas, un arbitrage international pour des contestations ou litiges antérieurs à la conclusion de la présente Convention.

Le Gouvernement Royal de Roumanie déclare qu'en adhérant à l'article 18 de la Convention, il n'entend prendre aucun engagement en matière d'arbitrage obligatoire.

Serbie:

Au nom du Gouvernement Royal de Serbie, nous avons l'honneur de déclarer que l'adoption par nous du principe de bons offices et de la médiation n'implique pas une reconnais-

RESERVATIONS

CONVENTION FOR THE PEACEFUL ADJUSTMENT OF INTERNATIONAL DIFFERENCES

United States:

Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign state; nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of America of its traditional attitude towards purely American questions.

Roumania:

The Royal Government of Roumania being completely in favor of the principle of facultative arbitration, of which it appreciates the great importance in international relations, nevertheless, does not intend to undertake, by Article 15, an engagement to accept arbitration in every case there provided for, and it believes it ought to form express reservations in that respect.

It can not therefore vote for this article, except under that reservation.

The Royal Government of Roumania declares that it can not adhere to Article 16 except with the express reservation, entered in the *procès-verbal*, that it has decided not to accept, in any case, an international arbitration for disagreements or disputes previous to the conclusion of the present Convention.

The Royal Government of Roumania declares that in adhering to Article 18 of the Convention, it makes no engagement in regard to obligatory arbitration.

Servia:

In the name of the Royal Government of Servia, we have the honor to declare that our adoption of the principle of good offices and mediation does not imply a recognition of the right

sance du droit pour les États tiers d'user de ces moyens autrement qu'avec la réserve extrême qu'exige la nature délicate de ces démarches.

Nous n'admettrons les bons offices et la médiation qu'à condition de leur conserver pleinement et intégralement leur caractère de conseil purement amical, et nous ne saurions jamais les accepter dans des formes et des circonstances telles qu'elles pourraient leur imprimer le caractère d'une intervention.

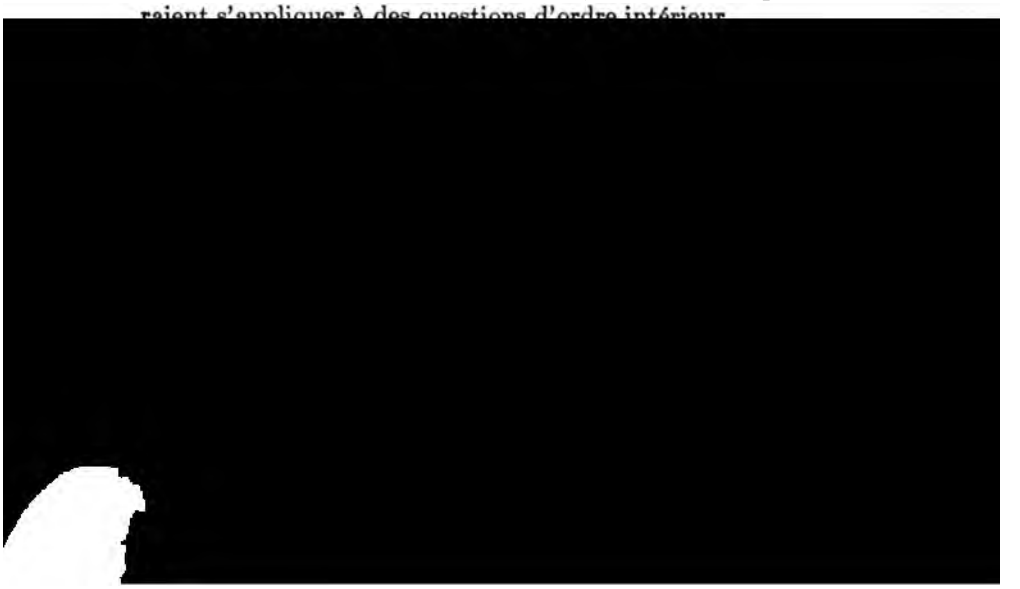
Turquie:

La Délégation Ottomane, considérant que ce travail de la Conférence a été une œuvre de haute loyauté et d'humanité déstinée uniquement à raffermir la paix générale en sauvegardant les intérêts les droits de chacun, déclare au nom de son Gouvernement adhérer à l'ensemble du projet qui vient d'être adopté, aux conditions suivantes:

1. Il est formellement entendu que le recours aux bons offices, à la médiation, aux Commissions d'Enquête et à l'arbitrage est purement facultatif et ne saurait en aucun cas revêtir un caractère obligatoire ou dégénérer en intervention.

2. Le Gouvernement Impérial aura à juger lui-même des cas où ses intérêts lui permettraient d'admettre ces moyens, sans que son abstention ou son refus d'y avoir recours puissent être considérés par les États Signataires comme un procédé peu amical.

Il va de soi qu'en aucun cas les moyens dont il s'agit ne sauraient s'appliquer à des questions d'ordre intérieur.



of third States to use these means except with the extreme reserve which proceedings of this delicate nature require.

We do not admit good offices and mediation except on condition that their character of purely friendly counsel is maintained fully and completely, and we never could accept them in forms and circumstances such as to impress upon them the character of intervention.

Turkey:

The Turkish Delegation, considering that the work of this Conference has been a work of high loyalty and humanity, destined solely to assure general peace by safeguarding the interests and the rights of each one, declares, in the name of its Government, that it adheres to the project just adopted, on the following conditions:

1. It is formally understood that recourse to good offices and mediation, to commissions of inquiry and arbitration is purely facultative and could not in any case assume an obligatory character or degenerate into intervention.

2. The Imperial Government itself will be the judge of the cases where its interests would permit it to admit these methods without its abstention or refusal to have recourse to them being considered by the signatory states as an unfriendly act.

It goes without saying that in no case could the means in question be applied to questions concerning interior regulation.

OFFICIAL CORRESPONDENCE RELATING TO THE SECOND CONFERENCE

THE SECRETARY OF STATE TO THE REPRESENTATIVE OF THE UNITED STATES ACCREDITED TO EACH OF THE GOVERNMENTS SIGNATORIES TO THE ACTS OF THE HAGUE CONFERENCE, 1899.

DEPARTMENT OF STATE,
WASHINGTON, October 21, 1904.

Sir: The Peace Conference which assembled at The Hague on May 18, 1899, marked an epoch in the history of nations. Called by His Majesty the Emperor of Russia to discuss the problems of the maintenance of general peace, the regulation of the operations of war, and the lessening of the burdens which preparedness for eventual war entails upon modern peoples, its labors resulted in the acceptance by the signatory powers of conventions for the peaceful adjustment of international difficulties by arbitration, and for certain humane amendments to the laws and customs of war by land and sea. A great work was thus accomplished by the conference, while other phases of the general subject were left to discussion by another conference in the near future, such as questions affecting the rights and duties of neutrals, the inviolability of private property, in naval warfare, and the bombardment of ports, towns, and villages by a naval force.

Among the movements which prepared the minds of governments for an accord in the direction of assured peace among men, a high place may fittingly be given to that set on foot by the Interparliamentary Union. From its origin in the suggestions of a member of the British House of Commons, in 1888, it developed until its membership included large numbers of delegates from the parliaments of the principal nations, pledged to exert their influence toward the conclusion of treaties of arbitration between nations and toward the accomplishment of peace. Its annual conferences have notably advanced the high

purposes it sought to realize. Not only have many international treaties of arbitration been concluded, but, in the conference held in Holland in 1894, the memorable declaration in favor of a permanent court of arbitration was a forerunner of the most important achievement of the Peace Conference of The Hague in 1899.

The annual conference of the Interparliamentary Union was held this year at St. Louis, in appropriate connection with the World's Fair. Its deliberations were marked by the same noble devotion to the cause of peace and to the welfare of humanity which had inspired its former meetings. By the unanimous vote of delegates, active or retired members of the American Congress and of every parliament in Europe with two exceptions, the following resolution was adopted:

WHEREAS, enlightened public opinion and modern civilization alike demand that differences between nations should be adjudicated and settled in the same manner as disputes between individuals are adjudicated, namely, by the arbitrament of courts in accordance with recognized principles of law, this conference requests the several governments of the world to send delegates to an international conference to be held at a time and place to be agreed upon by them for the purpose of considering:

1. The questions for the consideration of which the conference at The Hague expressed a wish that a future conference be called.

2. The negotiation of arbitration treaties between the nations represented at the conference to be convened.

3. The advisability of establishing an international congress to convene periodically for the discussion of international questions.

And this conference respectfully and cordially requests the President of the United States to invite all the nations to send representatives to such a conference.

On the 24th of September, ultimo, these resolutions were presented to the President by a numerous deputation of the Interparliamentary Union. The President accepted the charge offered to him, feeling it to be most appropriate that the Executive of the nation which had welcomed the conference to its hospitality should give voice to its impressive utterances in a cause which the American Government and people hold dear. He announced that he would at an early date invite the other nations, parties to the Hague conventions, to reassemble with a view to pushing forward toward completion the work already begun at The Hague, by considering the questions which the

first conference had left unsettled with the express provision that there should be a second conference.

In accepting this trust, the President was not unmindful of the fact, so vividly brought home to all the world, that a great war is now in progress. He recalled the circumstance that at the time when, on August 24, 1898, His Majesty the Emperor of Russia sent forth his invitation to the nations to meet in the interests of peace, the United States and Spain had merely halted, in their struggle, to devise terms of peace. While at the present moment no armistice between the armies now contending is in sight, the fact of an existing war is no reason why the nations should relax the efforts they have so successfully made hitherto towards the adoption of rules of conduct which may make more remote the chances of future wars between them. In 1899 the Conference of The Hague dealt solely with the larger general problems which confront all nations, and assumed no function of intervention or suggestion in the settlement of the terms of peace between the United States and Spain. It might be the same with a reassembled conference at the present time. Its efforts would naturally lie in the direction of further codification of the universal ideas of right and justice which we call international law; its mission would be to give them future effect.

The President directs that you will bring the foregoing considerations to the attention of the Minister for Foreign Affairs of the Government to which you are accredited and, in discreet conference with him, ascertain to what extent that Government is disposed to act in the matter.

Should His Excellency invite suggestion as to the character of the questions to be brought before the proposed Second Peace Conference, you may say to him that, at this time, it would seem premature to couple the tentative invitation thus extended with a categorical programme of subjects of discussion. It is only by comparison of views that a general accord can be reached as to the matters to be considered by the new conference. It is desirable that in the formulation of a programme the distinction should be kept clear between the matters which belong to the province of international law and those which are conventional as between individual governments. The Final Act of the Hague Conference, dated July 29, 1899, kept this distinction

clearly in sight. Among the broader general questions affecting the right and justice of the relation of sovereign states, which were then relegated to a future conference, were: the rights and duties of neutrals; the inviolability of private property in naval warfare; and the bombardment of ports, towns, and villages by a naval force. The other matters mentioned in the Final Act take the form of suggestions for consideration by interested governments.

The three points mentioned cover a large field. The first, especially, touching the rights and duties of neutrals, is of universal importance. Its rightful disposition affects the interests and well being of all the world. The neutral is something more than an onlooker. His acts of omission or commission may have an influence—indirect, but tangible—on a war actually in progress; whilst, on the other hand, he may suffer from the exigencies of the belligerents. It is this phase of warfare which deeply concerns the world at large. Efforts have been made, time and again, to formulate rules of action applicable to its more material aspects, as in the Declarations of Paris. As recently as the 28th of April, of this year, the Congress of the United States adopted a resolution reading thus:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That it is the sense of the Congress of the United States that it is desirable, in the interest of uniformity of action by the maritime states of the world in time of war, that the President endeavor to bring about an understanding among the principal maritime powers with a view of incorporating into the permanent law of civilized nations the principle of the exemption of all private property at sea, not contraband of war, from capture or destruction by belligerents.
>
> Approved, April 28, 1904.

Other matters closely affecting the rights of neutrals are: the distinction to be made between absolute and conditional contraband of war and the inviolability of the official and private correspondence of neutrals.

As for the duties of neutrals towards the belligerent, the field is scarcely less broad. One aspect deserves mention, from the prominence it has acquired during recent times; namely, the treatment due to refugee belligerent ships in neutral ports.

It may also be desirable to consider and adopt a procedure

by which states non-signatory to the original acts of the Hague Conference may become adhering parties.

You will explain to His Excellency the Minister for Foreign Affairs that the present overture for a second conference to complete the postponed work of the first conference is not designed to supersede other calls for the consideration of special topics, such as the proposition of the Government of the Netherlands, recently issued, to assemble for the purpose of amending the provisions of the existing Hague Convention with respect to hospital ships. Like all tentative conventions, that one is open to change in the light of practical experience, and the fullest deliberation is desirable to that end.

Finally, you will state the President's desire and hope that the undying memories which cling around The Hague as the cradle of the beneficent work which had its beginning in 1899 may be strengthened by holding the Second Peace Conference in that historic city.

I am, etc.,

JOHN HAY.

THE SECRETARY OF STATE TO THE REPRESENTATIVE OF THE UNITED STATES ACCREDITED TO EACH OF THE GOVERNMENTS SIGNATORIES TO THE ACTS OF THE HAGUE CONFERENCE, 1899.

DEPARTMENT OF STATE,
WASHINGTON, December 16, 1904.

Sir: By the circular instruction dated October 21, 1904, the representatives of the United States accredited to the several governments which took part in the peace conference held at The Hague in 1899, and which joined in signing the acts thereof, were instructed to bring to the notice of those governments certain resolutions adopted by the Interparliamentary Union at its annual conference held at St. Louis in September last, advocating the assembling of a second peace conference to continue the work of the first, and were directed to ascertain to what extent those governments were disposed to act in the matter.

The replies so far received indicate that the proposition has been received with general favor. No dissent has found expres-

sion. The Governments of Austria-Hungary, Denmark, France, Germany, Great Britain, Italy, Luxemburg, Mexico, the Netherlands, Portugal, Roumania, Spain, Sweden and Norway, and Switzerland exhibit sympathy with the purposes of the proposal and generally accept it in principle, with a reservation in most cases of future consideration of the date of the conference and the programme of subjects for discussion. The replies of Japan and Russia conveyed in like terms a friendly recognition of the spirit and purposes of the invitation, but on the part of Russia the reply was accompanied by the statement that, in the existing condition of things in the Far East, it would not be practicable for the Imperial Government, at this moment, to take part in such a conference. While this reply, tending as it does to cause some postponement of the proposed second conference, is deeply regretted, the weight of the motive which induces it is recognized by this Government and probably by others. Japan made the reservation only that no action should be taken by the conference relative to the present war.

Although the prospect of an early convocation of an august assembly of representatives of the nations in the interests of peace and harmony among them is deferred for the time being, it may be regarded as assured so soon as the interested powers are in a position to agree upon a date and place of meeting and to join in the formulation of a general plan for discussion. The President is much gratified at the cordial reception of his overtures. He feels that in eliciting the common sentiment of the various governments in favor of the principle involved and of the objects sought to be attained a notable step has been taken toward eventual success.

Pending a definite agreement for meeting when circumstances shall permit, it seems desirable that a comparison of views should be had among the participants as to the scope and matter of the subjects to be brought before the second conference. The invitation put forth by the Government of the United States did not attempt to do more than indicate the general topics which the Final Act of the First Conference of The Hague relegated, as unfinished matters, to consideration by a future conference—adverting, in connection with the important subject of the inviolability of private property in naval warfare, to the like views expressed by the Congress of the United States, in

its resolution adopted April 28, 1904, with the added suggestion that it may be desirable to consider and adopt a procedure by which states non-signatory to the original acts of the Hague Conference may become adhering parties. In the present state of the project, this Government is still indisposed to formulate a programme. In view of the virtual certainty that the President's suggestion of The Hague as the place of meeting of a second peace conference will be accepted by all the interested powers, and in view also of the fact that an organized representation of the signatories of the Acts of 1899 now exists at that capital, this Government feels that it should not assume the initiative in drawing up a programme, nor preside over the deliberations of the signatories in that regard. It seems to the President that the high task he undertook in seeking to bring about an agreement of the powers to meet in a second peace conference is virtually accomplished so far as it is appropriate for him to act, and that, with the general acceptance of his invitation in principle, the future conduct of the affair may fitly follow its normal channels. To this end it is suggested that the further and necessary interchange of views between the signatories of the Acts of 1899 be effected through the International Bureau under the control of the Permanent Administrative Council of The Hague. It is believed that in this way, by utilizing the central representative agency established and maintained by the powers themselves, an orderly treatment of the preliminary consultations may be insured and the way left clear for the eventual action of the Government of the Netherlands in calling a renewed conference to assemble at The Hague, should that course be adopted.

You will bring this communication to the knowledge of the Minister for Foreign Affairs and invite consideration of the suggestions herein made.

I am, etc.,

JOHN HAY.

THE RUSSIAN AMBASSADOR TO THE SECRETARY OF STATE

[Translation]

IMPERIAL EMBASSY OF RUSSIA,
WASHINGTON, April 12, 1906.

Mr. Secretary of State: When it assumed the initiative of calling a second peace conference, the Imperial Government had in view the necessity of further developing the humanitarian principles on which was based the work accomplished by the great international assemblage of 1899.

At the same time, it deemed it expedient to enlarge as much as possible the number of states participating in the labors of the contemplated conference, and the alacrity with which the call was answered bears witness to the depth and breadth of the present sentiment of solidarity for the application of ideas aiming at the good of all mankind.

The first conference separated in the firm belief that its labors would subsequently be perfected from the effect of the regular progress of enlightenment among the nations and abreast of the results acquired from experience. Its most important creation, the International Court of Arbitration, is an institution that has already proved its worth and brought together, for the good of all, an areopagus of jurists who command the respect of the world. How much good could be accomplished by international commissions of inquiry towards the settlement of disputes between states has also been shown.

There are, however, certain improvements to be made in the convention relative to the peaceful settlement of international disputes. Following recent arbitrations, the jurists assembled in court have raised certain questions of details which should be acted upon by adding to the said convention the necessary amplifications. It would seem especially desirable to lay down fixed principles in regard to the use of languages in the proceedings in view of the difficulties that may arise in the future as the cases referred to arbitral jurisdiction multiply. The *modus operandi* of international commissions of inquiry would likewise be open to improvement.

As regards the regulating of the laws and customs of war on land, the provisions established by the first conference ought

also to be completed and defined, so as to remove all misapprehensions.

As for maritime warfare, in regard to which the laws and customs of the several countries differ on certain points, it is necessary to establish fixed rules in keeping with the exigencies of the rights of belligerents and the interests of neutrals.

A convention bearing on these subjects should be framed and would constitute one of the most prominent parts of the tasks devolved upon the forthcoming conference.

Holding, therefore, that there is at present occasion only to examine questions that demand special attention as being the outcome of the experience of recent years, without touching upon those that might have reference to the limitation of military or naval forces, the Imperial Government proposes for the programme of the contemplated meeting the following main points:

1. Improvements to be made in the provisions of the convention relative to the peaceful settlement of international disputes as regards the Court of Arbitration and the international commissions of inquiry.

2. Additions to be made to the provisions of the convention of 1899 relative to the laws and customs of war on land—among others, those concerning the opening of hostilities, the rights of neutrals on land, etc. Declarations of 1899. One of these having expired, question of its being revived.

3. Framing of a convention relative to the laws and customs of maritime warfare, concerning:

The special operations of maritime warfare, such as the bombardment of ports, cities and villages by a naval force; the laying of torpedoes, etc.

The transformation of merchant vessels into warships.

The private property of belligerents at sea.

The length of time to be granted to merchant ships for their departure from ports of neutrals or of the enemy after the opening of hostilities.

The rights and duties of neutrals at sea—among others the questions of contraband, the rules applicable to belligerent vessels in neutral ports; destruction, in cases of *vis major*, of neutral merchant vessels captured as prizes.

In the said convention to be drafted, there would be intro-

duced the provisions relative to war on land that would be also applicable to maritime warfare.

4. Additions to be made to the convention of 1899 for the adaptation to maritime warfare of the principles of the Geneva Convention of 1864.

As was the case at the conference of 1899, it would be well understood that deliberations of the contemplated meeting should not deal with the political relations of the several states, or the condition of things established by treaties, or in general with questions that did not directly come within the programme adopted by the several cabinets.

The Imperial Government desires distinctly to state that the data of this programme and the eventual acceptance of the several states clearly do not prejudge the opinion that may be delivered in the conference in regard to the solving of the questions brought up for discussion. It would likewise be for the contemplated meeting to decide as to the order of the questions to be examined and the form to be given to the decisions reached, as to whether it should be deemed preferable to include some of them in new conventions or to append them, as additions, to conventions already existing.

In formulating the above-mentioned programme, the Imperial Government bore in mind, as far as possible, the recommendations made by the First Peace Conference, with special regard to the rights and duties of neutrals, the private property of belligerents at sea, the bombardment of ports, cities, etc. It entertains the hope that the Government of the United States will take the whole of the points proposed as the expression of a wish to come nearer that lofty ideal of international justice that is the permanent goal of the whole civilized world.

By order of my Government, I have the honor to acquaint you with the foregoing, and awaiting the reply of the Government of the United States, with as little delay as possible, I embrace this opportunity to beg you, Mr. Secretary of State, to accept the assurance of my very high consideration.

ROSEN.

THE RUSSIAN AMBASSADOR TO THE SECRETARY OF STATE

[Translation]

IMPERIAL EMBASSY OF RUSSIA,
WASHINGTON, April 12, 1906.

Mr. Secretary of State: Supplementing the note dated April 12, relative to the programme of the Second Peace Conference I am charged by the Imperial Government to submit to the favorable attention of the Government of the United States the following considerations:

The inclosed list shows that among the States invited to participate in the labors of the contemplated meeting there are several that have not taken part in the first conference of 1899. It can but subserve the lofty purpose pursued by these great humanitarian gatherings to increase the number of the powers which join in agreements so beneficial to universal peace. But, on the other hand, a difficulty, of form only, that stands in the way of the admission, pure and simple, of new States must be taken into account. If, as supposed by the Imperial Government, the forthcoming conference is to be called upon to perfect the provisions of 1899, a formal adhesion to the three conventions of The Hague should be formulated by the States which have newly convoked and would, thereafter, take part in the general deliberations over the additions or amendments to the said provisions.

As to the convention relative to the peaceful settlement of international disputes, it contains in Article 60 the following stipulation concerning eventual accessions:

> The conditions on which the powers who were not represented at the International Peace Conference can adhere to the present convention shall form the subject of a subsequent agreement among the contracting powers.

As the agreement thus referred to has not been effected, it seems necessary to find a practical means of adjusting this formality, and the Imperial Government suggests that, on the opening of the second conference, the representatives of the States parties to the first conference sign the following protocol:

> The Representatives at the Second Peace Conference of the States signatories of the Convention of 1899 relative to the peaceful settlement

of international disputes, duly authorized to that effect, have agreed that in case the States that were not represented at the First Peace Conference, but have been convoked to the present Conference, should notify the Government of the Netherlands of their adhesion to the above-mentioned Convention they shall be forthwith considered as having acceded thereto.

If the Government of the United States, as well as the Governments of other States parties to the First Peace Conference to which the foregoing has likewise been made known, should express its assent to this course being adopted, the Imperial Government would lose no time in advising the States newly convoked to the second conference.

As there is no clause similar to that of Article 60 in the convention relative to the peaceful settlement of international disputes applicable to the other two conventions of 1899, the Imperial Government has addressed to the newly convoked States a request that they immediately forward to the Government of the Netherlands their adhesion to the last two conventions mentioned.

Awaiting a favorable answer of the Government of the United States in regard to the suggestion herein above formulated as to the mode of accession of the new States to the convention concerning the peaceful settlement of international disputes, I embrace the opportunity to renew to you the assurance of my high consideration.

ROSEN.

[Inclosure—Translation]

List of States Invited to Participate in the Labors of the Second Conference of the Hague

[Arranged in the French alphabetical order]

1. Germany
2. United States (America)
3. Argentine Republic
4. Austria-Hungary
5. Belgium
6. Bolivia
7. Brazil (U. S. of)
8. Bulgaria
9. Chile
10. China
11. Colombia
12. Costa Rica
13. Cuba
14. Denmark
15. Dominican Republic
16. Ecuador
17. Spain
18. Ethiopia

19. France
20. Great Britain
21. Greece
22. Guatemala
23. Haiti
24. Honduras
25. Italy
26. Japan
27. Korea
28. Luxemburg
29. Mexico
30. Montenegro
31. Nicaragua
32. Norway
33. Panama
34. Paraguay
35. Netherlands
36. Peru
37. Persia
38. Portugal
39. Roumania
40. Salvador
41. Servia
42. Siam
43. Sweden
44. Switzerland
45. Turkey
46. Uruguay
47. Venezuela

State that has declined the invitation: Panama.

States that have not yet returned an answer: Korea, Ecuador, Nicaragua, Uruguay and Venezuela.[1]

[1] Panama eventually accepted the invitation and was represented at the conference. Korea, by reason of its absorption by Japan, forfeited its right of independent representation. Ecuador, Nicaragua, Uruguay and Venezuela accepted the invitation and were represented at the conference. Costa Rica failed to send representatives, and those of Honduras were admitted so near the close of the conference that they took no part in its work and their names do not appear in the list of delegates of the Final Act. Ethiopia was not represented.—EDITOR.



INSTRUCTIONS TO THE AMERICAN DELEGATES TO THE HAGUE CONFERENCE, 1907

DEPARTMENT OF STATE,
WASHINGTON, May 31, 1907.

To MESSRS. JOSEPH H. CHOATE, HORACE PORTER, URIAH M. ROSE, DAVID JAYNE HILL, GEORGE B. DAVIS, CHARLES S. SPERRY, WILLIAM I. BUCHANAN.

Gentlemen: You have been appointed delegates plenipotentiary to represent the United States at a Second Peace Conference which is to meet at The Hague on the 15th of June, 1907.

The need of such a conference was suggested to the Powers signatory to the acts of The Hague Conference of 1899, by President Roosevelt in a circular note by my predecessor, Mr. Hay, dated October 21, 1904, and the project met with a general expression of assent and sympathy from the Powers; but its realization was postponed because of the then existing war between Japan and Russia. The conclusion of the peace which ended that war presenting a favorable moment for further developing and systematizing the work of the First Conference, the initiative was appropriately transferred to His Imperial Majesty the Emperor of Russia as initiator of the First Conference. The Russian Government proposed that the programme of the contemplated meeting should include the following topics:

1. Improvements to be made in the provisions of the convention relative to the peaceful settlement of international disputes as regard the Court of Arbitration and the international commissions of inquiry.

2. Additions to be made to the provisions of the Convention of 1899 relative to the laws and customs of war on land—among others, those concerning the opening of hostilities, the rights of neutrals on land, etc. Declarations of 1899. One of these having expired, question of its being revived.

3. Framing of a convention relative to the laws and customs of maritime warfare, concerning:

The special operations of maritime warfare, such as the bombardment of ports, cities and villages by a naval force; the laying of torpedoes, etc.

The transformation of merchant vessels into warships.

The private property of belligerents at sea.

The length of time to be granted to merchant ships for their departure from ports of neutrals or of the enemy after the opening of hostilities.

The rights and duties of neutrals at sea; among others, the questions of contraband, the rules applicable to belligerent vessels in neutral ports; destruction, in cases of *vis major*, of neutral merchant vessels captured as prizes.

In the said convention to be drafted, there would be introduced the provisions relative to war on land that would be also applicable to maritime warfare.

4. Additions to be made to the Convention of 1899 for the adaptation to maritime warfare of the principles of the Geneva Convention of 1864.

We are advised by the ambassador of Russia, in a note dated March 22/April 4, 1907, that all of the Powers have declared their adhesion to this tentative programme. The following remarks, however, have been made in respect thereof:

The Government of the United States has reserved to itself the liberty of submitting to the Conference two additional questions, viz: the reduction or limitation of armaments and the attainment of an agreement to observe some limitations upon the use of force for the collection of ordinary public debts arising out of contracts.

The Spanish Government has expressed a desire to discuss the limitation of armaments.

The British Government has given notice that it attaches great importance to having the question of expenditures for armament discussed at the Conference, and has reserved to itself the right of raising it.

The Governments of Bolivia, Denmark, Greece and the Netherlands have reserved to themselves, in a general way, the right to submit to the consideration of the Conference subjects not specially enumerated in the programme.

Several Governments have reserved the right to take no part in any discussion which may appear unlikely to produce any useful result.

The Russian note proposing the programme declared that the deliberations of the contemplated meetings should not deal with the political relations of the different States, or the condition of things established by treaties; and that neither the solution of the questions brought up for discussion, nor the order

of their discussion, nor the form to be given to the decisions reached, should be determined in advance of the Conference. We understand this view to have been accepted.

In regard to the two questions which were not included in the proposed programme, but which the United States has reserved the right to present to the Conference, we understand that notice of the reservation has been communicated to all the Powers by note similar to that from the Russian ambassador dated March 22/April 4, 1907; so that each Power has had full opportunity to instruct its delegates in respect thereof. The United States understands that as to the topics included in the programme the acceptance of the programme involves a determination that such topics shall be considered by the Conference, subject to the reserved rights of particular Powers to refrain from discussion of any topic as to which it deems that discussion will not be useful; but that as to the two topics which we have reserved the right to present, there has been no determination one way or the other; the question whether they shall be considered by the Conference remaining for the determination of the Conference itself in case they shall be presented.

It is not expedient that you should be limited by too rigid instructions upon the various questions which are to be discussed for such a course, if pursued generally with all the delegates, would make the discussion useless and the Conference a mere formality. You will, however, keep in mind the following observations regarding the general policy of the United States upon these questions:

1. In the discussions upon every question it is important to remember that the object of the Conference is agreement, and not compulsion. If such conferences are to be made occasions for trying to force nations into positions which they consider against their interests, the Powers can not be expected to send representatives to them. It is important also that the agreements reached shall be genuine and not reluctant. Otherwise they will inevitably fail to receive approval when submitted for the ratification of the Powers represented. Comparison of views and frank and considerate explanation and discussion may frequently resolve doubts, obviate difficulties, and lead to real agreement upon matters which at the outset have appeared insurmountable. It is not wise, however, to carry this process

to the point of irritation. After reasonable discussion, if no agreement is reached, it is better to lay the subject aside, or refer it to some future conference in the hope that intermediate consideration may dispose of the objections. Upon some questions where an agreement by only a part of the Powers represented would in itself be useful, such an agreement may be made, but it should always be with the most unreserved recognition that the other Powers withhold their concurrence with equal propriety and right.

The immediate results of such a conference must always be limited to a small part of the field which the more sanguine have hoped to see covered; but each successive conference will make the positions reached in the preceding conference its point of departure, and will bring to the consideration of further advances towards international agreement opinions affected by the acceptance and application of the previous agreements. Each conference will inevitably make further progress and, by successive steps, results may be accomplished which have formerly appeared impossible.

You should keep always in mind the promotion of this continuous process through which the progressive development of international justice and peace may be carried on; and you should regard the work of the Second Conference, not merely with reference to the definite results to be reached in that Conference, but also with reference to the foundations which may be laid for further results in future conferences. It may well be that among the most valuable services rendered to civilization by this Second Conference will be found the progress made in matters upon which the delegates reach no definite agreement.

With this view, you will favor the adoption of a resolution by the Conference providing for the holding of further conferences within fixed periods and arranging the machinery by which such conferences may be called and the terms of the programme may be arranged, without awaiting any new and specific initiative on the part of the Powers or any one of them.

Encouragement for such a course is to be found in the successful working of a similar arrangement for international conferences of the American Republics. The Second American Conference, held in Mexico in 1901–02, adopted a resolution providing that a third conference should meet within five years and

committed the time and place and the programme and necessary details to the Department of State and representatives of the American States in Washington. Under this authority the Third Conference was called and held in Rio de Janeiro in the summer of 1906 and accomplished results of substantial value. That Conference adopted the following resolution:

> The Governing Board of the International Bureau of American Republics (composed of the same official representatives in Washington) is authorized to designate the place at which the Fourth International Conference shall meet, which meeting shall be within the next five years; to provide for the drafting of the programme and regulations and to take into consideration all other necessary details; and to set another date in case the meeting of the said conference can not take place within the prescribed limit of time.

There is no apparent reason to doubt that a similar arrangement for successive general international conferences of all the civilized Powers would prove as practicable and as useful as in the case of the twenty-one American States.

2. The policy of the United States to avoid entangling alliances and to refrain from any interference or participation in the political affairs of Europe must be kept in mind, and may impose upon you some degree of reserve in respect of some of the questions which are discussed by the Conference.

In the First Conference the American delegates accompanied their vote upon the report of the committee regarding the limitation of armaments by the following declaration:

> That the United States, in so doing, does not express any opinion as to the course to be taken by the States of Europe. This declaration is not meant to indicate mere indifference to a difficult problem, because it does not affect the United States immediately, but expresses a determination to refrain from enunciating opinions upon matters into which, as concerning Europe alone, the United States has no claim to enter. The words drawn up by M. Bourgeois, and adopted by the first commission, received also the cordial interest and sympathy with which the United States, while carefully abstaining from anything that might resemble interference, regards all movements that are thought to tend to the welfare of Europe.

Before signing the arbitration convention of the First Conference the delegates of the United States put upon record the following declaration:

> Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not

intruding upon, interfering with, or entangling itself in the political questions or policy or internal administration of any foreign State; nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of America of its traditional attitude toward purely American questions.

These declarations have received the approval of this Government, and they should be regarded by you as illustrating the caution which you are to exercise in preventing our participation in matters of general and world-wide concern from drawing us into the political affairs of Europe.

3. The attitude of the United States as to consideration of the subject of limiting armaments was stated in a letter from the Secretary of State to the Russian ambassador dated June 7, 1906. That letter, after expressing assent to the enumeration of topics in the Russian programme, proceeded to say:

> The Government of the United States is, however, so deeply in sympathy with the noble and humanitarian views which moved His Imperial Majesty to the calling of the First Peace Conference that it would greatly regret to see those views excluded from the consideration of the Second Conference. [Quoting from the call for the First Conference.]
>
> The truth and value of the sentiments thus expressed are surely independent of the special conditions and obstacles to their realization by which they may be confronted at any particular time. It is true that the First Conference at The Hague did not find it practicable to give them effect, but long-continued and patient effort has always been found necessary to bring mankind into conformity with great ideals. It would be a misfortune if that effort, so happily and magnanimously inaugurated by His Imperial Majesty, were to be abandoned.
>
> This Government is not unmindful of the fact that the people of the United States dwell in comparative security, partly by reason of their isolation and partly because they have never become involved in the numerous questions to which many centuries of close neighborhood have given rise in Europe. They are, therefore, free from the apprehensions of attack which are to so great an extent the cause of great armaments, and it would ill become them to be insistent or forward in a matter so much more vital to the nations of Europe than to them. Nevertheless, it sometimes happens that the very absence of a special interest in a subject enables a nation to make suggestions and urge considerations which a more deeply interested nation might hesitate to present. The Government of the United States, therefore, feels it to be its duty to reserve for itself the liberty to propose to the Second Peace Conference, as one of the subjects of consideration, the reduction or limitation of armaments, in the hope that, if nothing further can be accomplished, some slight advance may be made toward the realization of the lofty conception which actuated the Emperor of Russia in calling the First Conference.

The First Conference adopted the following resolutions:

> The Conference is of opinion that the restriction of military charges which are at present a heavy burden on the world, is extremely desirable for the increase of the material and moral welfare of mankind.
>
> The Conference expresses the wish that the Governments, taking into consideration the proposals made at the Conference, may examine the possibility of an agreement as to the limitation of armed forces by land and sea and of war budgets.

Under these circumstances this Government has been and still is of the opinion that this subject should be regarded as unfinished business, and that the Second Conference should ascertain and give full consideration to the results of such examination as the Governments may have given to the possibility of an agreement pursuant to the wish expressed by the First Conference. We think that there should be a sincere effort to learn whether, by conference and discussion, some practicable formula may not be worked out which would have the effect of limiting or retarding the increase of armaments.

There is, however, reason to believe not only that there has been the examination by the respective Governments for which the First Conference expressed a wish, but that the discussion of its results has been forestalled by a process of direct communication between a majority of the Governments having the greatest interest in the subject. These communications have been going on actively among the different Governments for nearly a year, and as a result at least four of the European Powers have announced their unwillingness to continue the discussion in the Conference. We regret that the discussion should have taken place in this way rather than at the Conference, for we are satisfied that a discussion at the Conference would have afforded a greater probability of progress towards the desired result. The fact, however, can not be ignored.

If any European power proposes consideration of the subject, you will vote in favor of consideration and do everything you properly can to promote it. If, on the other hand, no European power proposes consideration of the subject, and no new affirmative evidence is presented to satisfy you that a useful purpose would be subserved by your making such a proposal, you may assume that the limitations above stated by way of guidance to your action preclude you from asking the Conference to consider the subject.

4. The other subject which the United States specifically reserved the right to propose for consideration is the attainment of an agreement to observe some limitation upon the use of force for the collection of ordinary public debts arising out of contract.

It has long been the established policy of the United States not to use its Army and Navy for the collection of ordinary contract debts due to its citizens by other Governments. This Government has not considered the use of force for such a purpose consistent with that respect for the independent sovereignty of other members of the family of nations which is the most important principle of international law and the chief protection of weak nations against the oppression of the strong. It seems to us that the practice is injurious in its general effect upon the relation of nations and upon the welfare of weak and disordered States, whose development ought to be encouraged in the interests of civilization; that it offers frequent temptation to bullying and oppression and to unnecessary and unjustifiable warfare. It is doubtless true that the nonpayment of such debts may be accompanied by such circumstances of fraud and wrongdoing or violation of treaties as to justify the use of force; but we should be glad to see an international consideration of this subject which would discriminate between such cases and the simple nonperformance of a contract with a private person, and a resolution in favor of reliance upon peaceful means in cases of the latter class.

The Third International Conference of the American States, held at Rio de Janeiro in August, 1906, resolved:

> To recommend to the Governments therein that they consider the point of inviting the Second Peace Conference at The Hague to examine the question of the compulsory collection of public debts, and, in general, means tending to diminish between nations conflicts having a peculiarly pecuniary origin.

You will ask for the consideration of this subject by the Conference. It is not probable that in the first instance all the nations represented at the Conference will be willing to go as far in the establishment of limitations upon the use of force in the collection of this class of debts as the United States would like to have them go, and there may be serious objection to the con

sideration of the subject as a separate and independent topic. If you find such objections insurmountable, you will urge the adoption of provisions under the head of arbitration looking to the establishment of such limitations. The adoption of some such provision as the following may be suggested, and, if no better solution seems practicable, should be urged:

> The use of force for the collection of a contract debt alleged to be due by the Government of any country to a citizen of any other country is not permissible until after:
>
> 1. The justice and amount of the debt shall have been determined by arbitration, if demanded by the alleged debtor.
>
> 2. The time and manner of payment, and the security, if any, to be given pending payment, shall have been fixed by arbitration, if demanded by the alleged debtor.

5. In the general field of arbitration two lines of advance are clearly indicated. The first is to provide for obligatory arbitration as broad in scope as now appears to be practicable, and the second is to increase the effectiveness of the system so that nations may more readily have recourse to it voluntarily.

You are familiar with the numerous expressions in favor of the settlement of international disputes by arbitration on the part both of the Congress and of the Executive of the United States.

So many separate treaties of arbitration have been made between individual countries that there is little cause to doubt that the time is now ripe for a decided advance in this direction. This condition, which brings the subject of a general treaty for obligatory arbitration into the field of practical discussion, is undoubtedly largely due to the fact that the Powers generally in the First Hague Conference committed themselves to the principle of the pacific settlement of international questions in the admirable convention for voluntary arbitration then adopted.

The Rio Conference of last summer provided for the arbitration of all pecuniary claims among the American States. This convention has been ratified by the President, with the advice and consent of the Senate.

In December, 1904, and January, 1905, my predecessor, Mr. Hay, concluded separate arbitration treaties between the United States and Great Britain, France, Germany, Spain, Portugal,

Italy, Switzerland, Austria-Hungary, Sweden and Norway, and Mexico. On the 11th of February, 1905, the Senate advised and consented to the ratification of these treaties, with an amendment which has had the effect of preventing the exchange of ratifications. The amendment, however, did not relate to the scope or character of the arbitration to which the President had agreed and the Senate consented. You will be justified, therefore, in assuming that a general treaty of arbitration in the terms, or substantially in the terms, of the series of treaties which I have mentioned will meet the approval of the Government of the United States. The first article of each of these treaties was as follows:

> Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the two Contracting Parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the Convention of the 29th of July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two Contracting States, and do not concern the interests of third Parties.

To this extent you may go in agreeing to a general treaty of arbitration, and to secure such a treaty you should use your best and most earnest efforts.

Such a general treaty of arbitration necessarily leaves to be determined in each particular case what the questions at issue between the two Governments are, and whether those questions come within the scope of the treaty or within the exceptions, and what shall be the scope of the powers of the arbitrators. The Senate amendment which prevented the ratification of each of these treaties applied only to another article of the treaty which provided for special agreements in regard to these matters and involved only the question who should act for the United States in making such special agreements. To avoid having the same question arise regarding any general treaty of arbitration which you may sign at The Hague, your signature should be accompanied by an explanation substantially as follows:

> In signing the general arbitration treaty the delegates of the United States desire to have it understood that the special agreements provided for in Article — of said treaty will be subject to submission to the Senate of the United States.

The method in which arbitration can be made more effective, so that nations may be more ready to have recourse to it voluntarily and to enter into treaties by which they bind themselves to submit to it, is indicated by observation of the weakness of the system now apparent. There can be no doubt that the principal objection to arbitration rests not upon the unwillingness of nations to submit their controversies to impartial arbitration, but upon an apprehension that the arbitrations to which they submit may not be impartial. It has been a very general practice for arbitrators to act, not as judges deciding questions of fact and law upon the record before them under a sense of judicial responsibility, but as negotiators effecting settlements of the questions brought before them in accordance with the traditions and usages and subject to all the considerations and influences which affect diplomatic agents. The two methods are radically different, proceed upon different standards of honorable obligation, and frequently lead to widely differing results. It very frequently happens that a nation which would be very willing to submit its differences to an impartial judicial determination is unwilling to subject them to this kind of diplomatic process. If there could be a tribunal which would pass upon questions between nations with the same impartial and impersonal judgment that the Supreme Court of the United States gives to questions arising between citizens of the different States, or between foreign citizens and the citizens of the United States, there can be no doubt that nations would be much more ready to submit their controversies to its decision than they are now to take the chances of arbitration. It should be your effort to bring about in the Second Conference a development of The Hague Tribunal into a permanent tribunal composed of judges who are judicial officers and nothing else, who are paid adequate salaries, who have no other occupation, and who will devote their entire time to the trial and decision of international causes by judicial methods and under a sense of judicial responsibility. These judges should be so selected from the different countries that the different systems of law and procedure and the principal languages shall be fairly represented. The court should be made of such dignity, consideration and rank that the best and ablest jurists will accept appointment to it, and that the whole world will have absolute confidence in its judgments.

The arbitration convention signed at the First Hague Conference contained no authority for the adherence of non-signatory Powers, but provided:

> The conditions on which the Powers who were not represented at the International Peace Conference can adhere to the present convention shall form the subject of a separate agreement among the contracting Powers.

This left all the Central and South American States outside of the treaty. The United States has from time to time endeavored to secure an opportunity for them to adhere, and it has now been arranged that this shall be accomplished as a necessary preliminary to their taking part in the Second Conference. The method arranged is that on the day before the opening of the Conference a protocol shall be signed by the representatives of all the Powers signatory to the treaty substantially as follows:

> The representatives at the Second Peace Conference of the State signatories of the Convention of 1899 relative to the peaceful settlement of international disputes, duly authorized to that effect have agreed that in case the States that were not represented at the First Peace Conference, but have been convoked to the present Conference, should notify the Government of the Netherlands of their adhesion to the above-mentioned convention they shall be forthwith considered as having acceded thereto.

It is understood that substantially all the Central and South American States have notified the Government of the Netherlands of their adherence to the convention, and upon the signing of this protocol their notices will immediately take effect and they will become parties competent to take part in the discussions of the Second Conference looking towards the amendment and extension of the arbitration convention. You will sign the protocol in behalf of the United States pursuant to the full powers already given you.

6. You will maintain the traditional policy of the United States regarding the immunity of private property of belligerents at sea.

On the 28th of April, 1904, the Congress of the United States adopted the following resolution:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That it is the sense of the Congress of the United States that it is desirable, in the interest of uniformity of action by

the maritime states of the world in time of war, that the President endeavor to bring about an understanding among the principal maritime powers with a view of incorporating into the permanent law of civilized nations the principle of the exemption of all private property at sea, not contraband of war, from capture or destruction by belligerents. Approved April 28, 1904.

This resolution is an expression of the view taken by the United States during its entire history. Such a provision was incorporated in the Treaty of 1775 with Prussia, signed by Benjamin Franklin, Thomas Jefferson, and John Adams, and it was proposed by the United States as an amendment to be added to the privateering clause of the Declaration of Paris in 1856. The refusal of the other Powers to accompany prohibition of privateering by such a provision caused the Government of the United States to refuse its adherence to the declaration.

The Congressional resolution was in response to the recommendation of President Roosevelt's message to Congress in December, 1903, quoting and enforcing a previous message by President McKinley in December, 1898, which said:

> The United States Government has for many years advocated this humane and beneficent principle, and is now in a position to recommend it to other Powers without the imputation of selfish motives.

Whatever may be the apparent specific interest of this or any other country at the moment, the principle thus declared is of such permanent and universal importance that no balancing of the chances of probable loss or gain in the immediate future on the part of any nation should be permitted to outweigh the considerations of common benefit to civilization which call for the adoption of such an agreement.

In the First Peace Conference the subject of the immunity of private property at sea was not included in the programme. Consideration of it was urged by the delegates of the United States and was supported by an able presentation on the part of Mr. Andrew D. White. The representatives of several of the great Powers declared, however, that in the absence of instructions from their Governments they could not vote upon the subject; and, under the circumstances, we must consider that gratifying progress was made when there was included in the final act of the Conference a resolution expressing:

The wish that the proposal which contemplates the declaration of the inviolability of private property in naval warfare may be referred to a subsequent conference for consideration.

The subject has accordingly been included in the present programme and the way is open for its consideration.

It will be appropriate for you to advocate the proposition formulated and presented by the American delegates to the First Conference, as follows:

The private property of all citizens or subjects of the signatory Powers, with the exception of contraband of war, shall be exempt from capture or seizure on the high seas, or elsewhere by the armed vessels or by the military forces of any of the said signatory Powers. But nothing herein contained shall extend exemption from seizure to vessels and their cargoes which may attempt to enter a port blockaded by the naval forces of any of the said Powers.

7. Since the code of rules for the government of military operations on land was adopted by the First Peace Conference there have been occasions for its application under very severe conditions, notably in the South African war and the war between Japan and Russia. Doubtless the Powers involved in those conflicts have had occasion to observe many particulars in which useful additions or improvements might be made. You will consider their suggestions with a view to reducing, so far as is practicable, the evils of war and protecting the rights of neutrals.

As to the framing of a convention relative to the customs of maritime warfare, you are referred to the naval war code promulgated in General Orders 551 of the Navy Department of June 27, 1900, which has met with general commendation by naval authorities throughout the civilized world, and which, in general, expresses the views of the United States, subject to a few specific amendments suggested in the volume of international law discussions of the Naval War College of the year 1903, pages 91 to 97. The order putting this code into force was revoked by the Navy Department in 1904, not because of any change of views as to the rules which it contained, but because many of those rules, being imposed upon the forces of the United States by the order, would have put our naval forces at a disadvantage as against the forces of other Powers, upon whom the rules were not binding. The whole discussion of

these rules contained in the volume to which I have referred is commended to your careful study.

You will urge upon the Peace Conference the formulation of international rules for war at sea and will offer the naval war code of 1900, with the suggested changes and such further changes as may be made necessary by other agreements reached at the Conference, as a tentative formulation of the rules which should be considered.

8. The clause of the programme relating to the rights and duties of neutrals is of very great importance and in itself would furnish matter for useful discussion sufficient to occupy the time and justify the labors of the Conference.

The various subjects which the Conference may be called upon to consider are likely to bring out proposals which should be considered in their relation to each other, as standing in the following order of substantial importance:

(1) Provisions tending to prevent disagreements between nations.

(2) Provisions tending to dispose of disagreements without war.

(3) Provisions tending to preserve the rights and interests of neutrals.

(4) Provisions tending to mitigate the evils of war to belligerents.

The relative importance of these classes of provisions should always be kept in mind. No rules should be adopted for the purpose of mitigating the evils of war to belligerents which will tend strongly to destroy the rights of neutrals, and no rules should be adopted regarding the rights of neutrals which will tend strongly to bring about war. It is of the highest importance that not only the rights but the duties of neutrals shall be most clearly and distinctly defined and understood, not only because the evils which belligerent nations bring upon themselves ought not to be allowed to spread to their peaceful neighbors and inflict unnecessary injury upon the rest of mankind, but because misunderstandings regarding the rights and duties of neutrals constantly tend to involve them in controversy with one or the other belligerent.

For both of these reasons, special consideration should be given to an agreement upon what shall be deemed to constitute

contraband of war. There has been a recent tendency to extend widely the list of articles to be treated as contraband; and it is probable that if the belligerents themselves are to determine at the beginning of a war what shall be contraband, this tendency will continue until the list of contraband is made to include a large proportion of all the articles which are the subject of commerce, upon the ground that they will be useful to the enemy. When this result is reached, especially if the doctrine of continuous voyages is applied at the same time, the doctrine that free ships make free goods and the doctrine that blockades in order to be binding must be effective, as well as any rule giving immunity to the property of belligerents at sea, will be deprived of a large part of their effect, and we shall find ourselves going backward instead of forward in the effort to prevent every war from becoming universally disastrous. The exception of contraband of war in the Declaration of Paris will be so expanded as to very largely destroy the effect of the declaration. On the other hand, resistance to this tendency toward the expansion of the list of contraband ought not to be left to the neutrals affected by it at the very moment when war exists because that is the process by which neutrals become themselves involved in war. You should do all in your power to bring about an agreement upon what is to constitute contraband; and it is very desirable that the list should be limited as narrowly as possible.

With these instructions there will be furnished to you copies of the diplomatic correspondence relating to the Conference, the instructions to the delegates to the First Conference which are in all respects reaffirmed and their report, the international law discussions of the Naval War College of 1903, the report of the American delegates to the Conference of the American Republics at Rio de Janeiro in 1906, and the report of the American delegates to the Geneva Conference of 1906 for the revision of the Red Cross Convention of 1864.

Following the precedent established by the commission to the First Conference, all your reports and communications to this Government will be made to the Department of State for proper consideration and eventual preservation in the archives. The records of your commission will be kept by your secretary, Mr. Chandler Hale. Should you be in doubt at any time regarding the meaning or effect of these instructions, or should you con-

sider at any time that there is occasion for special instructions, you will communicate freely with the Department of State by telegraph. It is the President's earnest wish that you may contribute materially to the effective work of the Conference and that its deliberations may result in making international justice more certain and international peace more secure.

I am, gentlemen, your obedient servant,

ELIHU ROOT.

REPORT OF THE DELEGATES OF THE UNITED STATES TO THE SECOND INTERNATIONAL PEACE CONFERENCE HELD AT THE HAGUE FROM JUNE 15 TO OCTOBER 18, 1907.

HON. ELIHU ROOT, *Secretary of State.*

Sir: Pursuant to a request of the Interparliamentary Union, held at St. Louis, in 1904, that a future peace conference be held and that the President of the United States invite all nations to send representatives to such a conference, the late Secretary of State, at the direction of the President, instructed, on October 21, 1904, the representatives of the United States accredited to each of the signatories to the acts of the Hague Conference of 1899 to present overtures for a second conference to the ministers for foreign affairs of the respective countries.

The replies received to this circular instruction of October 21, 1904, indicated that the proposition for the calling of a second conference met with general favor. At a later period it was intimated by Russia that the initiator of the First Conference was, owing to the restoration of peace in the Orient, disposed to undertake the calling of a new conference to continue as well to supplement the work of the first. The offer of the Czar to take steps requisite to convene a second international peace conference was gladly welcomed by the President, and the Final Act of the Conference only recites in its preamble the invitation of the President.

The Russian Government thus assumed the calling of the Conference, and on April 12, 1906, submitted the following programme, which was acceptable to the Powers generally and which served as the basis of the work of the Conference:

1. Improvements to be made in the provisions of the convention relative to the peaceful settlement of international disputes as regards the Court of Arbitration and the international commissions of inquiry.

2. Additions to be made to the provisions of the convention of 1899 relative to the laws and customs of war on land—among others, those con-

cerning the opening of hostilities, the rights of neutrals on land, etc. Declaration of 1899. One of these having expired, question of its being revived.

3. Framing of a convention relative to the laws and customs of maritime warfare, concerning:

The special operations of maritime warfare, such as the bombardment of ports, cities, and villages by a naval force; the laying of torpedoes, etc.

The transformation of merchant vessels into warships.

The private property of belligerents at sea.

The length of time to be granted to merchant ships for their departure from ports of neutrals or of the enemy after the opening of hostilities.

The rights and duties of neutrals at sea, among others the questions of contraband, the rules applicable to belligerent vessels in neutral ports; destruction, in cases of *vis major*, of neutral merchant vessels captured as prizes.

In the said convention to be drafted there would be introduced the provisions relative to war on land that would be also applicable to maritime warfare.

4. Additions to be made to the convention of 1899 for the adaptation to maritime warfare of the principles of the Geneva Convention of 1864.

The United States, however, reserved the right to bring to discussion two matters of great importance not included in the programme, namely, the reduction or limitation of armaments and restrictions or limitations upon the use of force for the collection of ordinary public debts arising out of contracts.

It was finally decided that the Conference should meet at The Hague on the 15th day of June, 1907, and thus the Conference proposed by the President of the United States, and convoked by Her Majesty the Queen of The Netherlands upon the invitation of the Emperor of All the Russias, assumed definite shape and form.

It will be recalled that the First Peace Conference, although international, was not universal, for only a fraction of the Powers recognizing and applying international law in their mutual relations were invited to The Hague. The fact that the uninvited might adhere to the conventions was foreseen by the Conference itself, and the conventions concerning the laws and customs of land warfare and the adaptation to maritime warfare of the principles of the Geneva Convention of the 22d of August, 1864, provided that nonsignatory Powers by adhering became admitted to the privileges as well as bound by the liabilities of the various conventions. The convention for the peaceful adjustment of international difficulties (Article 60) sug-

gested eventual adherence of such countries, but made this conditioned upon an understanding to be reached by the contracting Powers.

In the circulars of October 21 and December 16, 1904, it was suggested as desirable to consider and adopt a procedure by which States nonsignatory to the original acts of The Hague Conference may become adhering parties. This suggestion was taken note of by the Russian Government and invitations were issued to forty-seven countries, in response to which the representatives of forty-four nations assembled at The Hague and took part in the Conference. No opposition was made to the admission of the nonsignatory States to the benefits of the convention of 1899 for the peaceful adjustment of international difficulties, and on the 14th day of June, 1907, the signatories of the First Conference formally consented under their hands and seals to the adhesion of the nonsignatory States invited to the Second Conference.

The delegation of the United States to the Conference was composed of the following members:

Commissioners plenipotentiary with the rank of ambassador extraordinary:

Joseph H. Choate, of New York.
Horace Porter, of New York.
Uriah M. Rose, of Arkansas.

Commissioner plenipotentiary:

David Jayne Hill, of New York, envoy extraordinary and minister plenipotentiary of the United States to the Netherlands.

Commissioners Plenipotentiary with rank of minister plenipotentiary:

Brig. Gen. George B. Davis, Judge-Advocate-General, U. S. Army.
Rear-Admiral Charles S. Sperry, U. S. Navy.
William I. Buchanan, of New York.

Technical delegate and expert in international law:

James Brown Scott, of California.

Technical delegate and expert attaché to the Commission:

Charles Henry Butler, of New York.

Secretary to the Commission;

Chandler Hale, of Maine.

Assistant secretaries to the Commission:
A. Bailly-Blanchard, of Louisiana.
William M. Malloy, of Illinois.

The Dutch Government set aside for the use of the Conference, the Binnenhof, the seat of the States-General, and on the 15th day of June, 1907, at 3 o'clock in the afternoon, the Conference was opened by his excellency the Dutch minister for foreign affairs in the presence of delegates representing forty-four nations. In the course of his remarks his excellency offered

tribute of gratitude to the eminent statesman who controls the destinies of the United States of America. President Roosevelt has greatly contributed to harvest the grain sown by the August Initiator of the solemn international conferences assembled to discuss and to render more exact the rules of international law which, as the States are the first to recognize, should control their relations.

At the conclusion of the address of welcome his excellency suggested as president of the Conference His Excellency M. Nelidow, first delegate of Russia, and, with the unanimous consent of the assembly, M. Nelidow accepted the presidency and delivered an address, partly personal, in which, in addition to thanking the Conference for the honor of the presidency, he called attention to the work of the First Conference and outlined in a general way the underlying purpose of the Second Conference and the hopes of the delegates assembled. At the termination of his address he proposed the personnel of the secretary-general's office.

At the next meeting of the Conference, on the 19th day of June, the president proposed that the Conference follow the procedure of the First Conference, adapting it, however, to the new conditions; for, as the Conference was so large, it seemed advisable to draw up a series of rules and regulations to facilitate the conduct of business. The president thereupon proposed the following twelve articles, which were unanimously adopted, with the exception of the third paragraph of Article 8, which was suppressed:

ARTICLE 1. The Second Peace Conference is composed of all the plenipotentiaries and technical delegates of the Powers which have signed or adhered to the conventions and acts signed at the First Peace Conference of 1899.

ART. 2. After organizing its bureau, the Conference shall appoint commissions to study the questions comprised within its programme.

The plenipotentiaries of the Powers are free to register on the lists of these commissions according to their own convenience and to appoint technical delegates to take part therein.

ART. 3. The Conference shall appoint the president and vice-presidents of each commission. The commissions shall appoint their secretaries and their reporter.

ART. 4. Each commission shall have the power to divide itself into subcommissions which shall organize their own bureau.

ART. 5. An editing committee for the purpose of coördinating the acts adopted by the Conference and preparing them in their final form shall also be appointed by the Conference at the beginning of its labors.

ART. 6. The members of the delegations are all authorized to take part in the deliberations at the plenary sessions of the Conference as well as in the commissions of which they form part. The members of one and the same delegation may mutually replace one another.

ART. 7. The members of the Conference attending the meetings of the commissions of which they are not members shall not be entitled to take part in the deliberations without being specially authorized for this purpose by the presidents of the commissions.

ART. 8. When a vote is taken each delegation shall have only one vote.

The vote shall be taken by roll call, in the alphabetical order of the Powers represented.

[The delegation of one Power may have itself represented by the delegation of another Power.]

ART. 9. Every proposed resolution or desire to be discussed by the Conference must, as a general rule, be delivered in writing to the president, and be printed and distributed before being taken up for discussion.

ART. 10. The public may be admitted to the plenary sessions of the Conference. Tickets shall be distributed for this purpose by the Secretary-General with the authorization of the president.

The bureau may at any time decide that certain sessions shall not be public.

ART. 11. The minutes of the plenary sessions of the Conference and of the commissions shall give a succinct résumé of the deliberations.

A proof copy of them shall be opportunely delivered to the members of the Conference and they shall not be read at the beginning of the sessions.

Each delegate shall have a right to request the insertion in full of his official declarations according to the text delivered by him to the secretary, and to make observations regarding the minutes.

The reports of the commissions and subcommissions shall be printed and distributed before being taken up for discussion.

ART. 12. The French language is recognized as the official language of the deliberations and of the acts of the Conference.

The Secretary-General shall, with the consent of the speaker himself, see that speeches delivered in any other language are summarized orally in French.

The president stated that the programme for the work of the Conference was so elaborate that a division of the Conference into four commissions would be advisable; that in so doing the precedent of 1899 would be followed, for the First Conference apportioned the subjects enumerated in the programme among three commissions. The following dispositions were thereupon proposed and agreed to:

FIRST COMMISSION.

Arbitration.

International commissions of inquiry and questions connected therewith.

SECOND COMMISSION.

Improvements in the system of the laws and customs of land warfare.

Opening of hostilities.

Declarations of 1899 relating thereto.

Rights and obligations of neutrals on land.

THIRD COMMISSION.

Bombardment of ports, cities, and villages by a naval force.

Laying of torpedoes, etc.

The rules to which the vessels of belligerents in neutral ports would be subjected.

Additions to be made to the convention of 1899 in order to adapt to maritime warfare the principles of the Geneva Convention of 1864, revised in 1906.

FOURTH COMMISSION.

Transformation of merchant vessels into war vessels.

Private property at sea.

Delay allowed for the departure of enemy merchant vessels in enemy ports.

Contraband of war. Blockades.

Destruction of neutral prizes by *force majeure*.

Provisions regarding land warfare which would also be applicable to naval warfare.

The president thereupon proposed as presidents or chairmen of the various committees the following delegates:

First Commission: M. Léon Bourgeois.

Second Commission: M. Beernaert; assistant president, M. T. M. C. Asser.

Third Commission: Count Tornielli.

Fourth Commission: M. de Martens.

At the same time the president designated as honorary presidents of the third and second commissions, Messrs. Joseph H. Choate and Horace Porter, and as a member of the correspondence committee, Hon. Uriah M. Rose. The president recommended that the deliberations be kept secret, or at least that they be not communicated by members to the press. The recommendation was unanimously adopted but was not universally adhered to by the delegates.

The first, second and third commissions were subsequently divided into sub-commissions in order to reduce the numbers and to facilitate the work, and at various times committees of examination were appointed by each of the commissions in order still further to reduce membership and to present in acceptable form projects accepted in principle but not in detail by the various commissions. Finally, in order to correct the language and to assign the various projects already approved to their proper place in the Final Act, a large editing committee (*comité de rédaction*) was appointed at a meeting of the Conference and a sub-committee was appointed, consisting of eight members, to do the work of the large committee and report to it. It may be said that the American delegation was represented on almost all of these various committees and sub-committees.

The actual work of the Conference was, therefore, done in commission and committee. The results, so far as the several commissions desired, were reported to the Conference sitting in plenary session for approval, and, after approval, submitted to the small sub-editing committee for final revision which, however, affected form, not substance. The results thus reached were included in the Final Act and signed by the plenipotentiaries on the 18th day of October, 1907, upon which date the Conference adjourned.

The positive results of the Conference might be set forth, with perhaps equal propriety, in either one of two ways: First, by discussing the work of each commission and the results accomplished by each, or secondly, by enumerating and describing the results in the order in which they appear, arranged by the Conference itself, in the Final Act. The first method would have the advantage of showing the work of each commission as a whole from the presentation of the various projects until they took final shape in the commission and were approved by the Con-

ference in plenary session. As, however, important projects were considered by the commission, but were not voted upon by the Conference, or, if voted in a form so modified as to appear almost in the nature of original propositions, and inasmuch as the various conventions and measures adopted are arranged in the Final Act without specific reference to the commissions, it seems advisable to follow the order of the Final Act, so that each measure may occupy the place in the report which was assigned to it by the Conference itself. This arrangement will bring into prominence the result, rather than the means by which the result was reached, and will prevent in no slight measure repetition and duplication.

Following then the order of the Final Act, the various conventions, declarations, resolutions and recommendations are prefaced by an apt paragraph setting forth the spirit which animated the Conference:

> In a series of reunions, held from June 15 to October 18, 1907, in which the delegates aforesaid have been constantly animated by the desire to realize in the largest measure possible the generous views of the August Initiator of the Conference and the intentions of their Governments, the Conference adopted, to be submitted to the signatures of the plenipotentiaries, the text of the conventions and of the declaration hereinafter enumerated and annexed to the present act.

The Final Act then enumerates fourteen subjects, thirteen of which are conventions and one is a declaration. Of each of these in turn.

I. Convention for the Peaceful Adjustment of International Differences

This convention is, both in conception and execution, the work of the First Peace Conference of 1899, but the eight years which have elapsed since its adoption suggested many improvements and modifications and not a few additions. The extent of the changes will be evident from the mere statement that while the convention of 1899 contained sixty-one articles, the revision of 1907 contains ninety-seven articles. But these figures throw no light upon the nature and importance of the changes. The structure of 1899, however, practically remains intact, the chief addition being the provision for summary

procedure proposed by the French delegation and accepted by the Conference (Title IV, Chapter IV, Articles 86–90). All important changes which tended either to enlarge the scope of the convention or to facilitate its application, thereby rendering it more useful, will be discussed in detail in the order of the convention.

Articles 2 to 8 of Title II of the revised convention deal with good offices and mediation, and in this title there is only one change of importance, namely, the insertion of the word "desirable" in Article 3, so that the extension of good offices by Powers strangers to the conflict is considered not merely useful, as in the convention of 1899, but desirable, as revised by the Conference of 1907. The change is perhaps slight, but the Powers might well consider a thing useful and yet consider it undesirable. It may well be that the word "desirable" is a step toward moral duty and that in time it may give rise to legal obligation. The same may be said of the insertion of the word "desirable" in Article 9, making the recourse to the international commission of inquiry desirable as well as useful. Both additions were proposed by the American delegation and accepted unanimously by the Conference. In this connection it may be advisable to note that a like change has been made upon the proposal of Austria-Hungary in the revision of Article 16 of the original convention, so that the arbitration of judicial questions and questions of interpretation and application of international conventions is declared to be not only efficacious and equitable but desirable (art. 38).

Title III in both the original and revised conventions deals with international commissions of inquiry; but while the convention of 1899 contained but six articles (9–14, inclusive), the revision contains twenty-eight. A little reflection shows the reason for the great care and consideration bestowed upon the commission of inquiry by the recent Conference. In 1899 an institution was created which was hoped would be serviceable. In 1907 the creation was revised and amplified in the light of practical experience, for the institution, theoretically commendable, had justified its existence at a very critical moment, namely, by the peaceful settlement of the Dogger Bank incident (1904). The provisions of 1899 were meager and insufficient to meet the needs of a practical inquiry. In 1907 the

procedure actually adopted by the commission of inquiry was presented to the Conference, studied, considered, and made the basis of the present rules and regulations. The nature of the commission of inquiry is, however, unchanged. It was and is an international commission charged with the duty of ascertaining the facts in an international dispute, and its duty is performed when the facts in controversy are found. It does not render a judgment, nor does it apply to the facts found a principle of law, for it is not a court (art. 35).

The seat of the commission is The Hague, but the parties may provide in the agreement of submission that the commission meet elsewhere (art. 11), or the commission may, after its formation and during its session at The Hague, transport itself, with the consent of the parties, to such place or places as may seem appropriate to ascertain the facts in controversy. The parties litigant not only bind themselves to furnish to the commission of inquiry, in the largest measure possible, the means and facilities necessary for the establishment of the facts, but the contracting Powers agree to furnish information in accordance with their municipal legislation unless such information would injure their sovereignty or security.

As previously said, the First Conference created the commission of inquiry, but left it to the parties to the controversy to fix the procedure, specifying only that upon the inquiry both sides be heard. If the procedure were not established in advance by the litigating Powers, it was then to be devised by the commission (art. 10). The disadvantages of this provision are apparent. The parties, inflamed by passion or ill at ease, were, upon the spur of the moment, to devise an elaborate code of procedure, a task which might well be as difficult as to ascertain the facts in dispute. In the next place, if they did not do so, the commission was to fix the procedure. That this task might well be intrusted to the commission is proved by the fact that the commission of 1904 did in fact devise a satisfactory code. But the procedure thus framed could not be known to the litigating countries in advance, and the agents and counsel were thus deprived of the opportunity of familiarizing themselves with it before entering upon the case.

The revision of 1907, therefore, aims to obviate this difficulty by establishing a careful code of procedure based upon the

experience of the commission of 1904. It is practical in its nature, for it is based upon actual practice. It provides in advance the procedure of the commission, thus relieving the parties from this serious task and leaving the commission free to begin its labors without the necessity of drawing up an elaborate system of rules and regulations for the conduct of business before it. The procedure, however, is not obligatory, for the parties, may if they choose, specify in the submission the procedure to be followed (art. 10), but the Conference recommended a code of procedure which was to be applied if the parties did not adopt other rules (art. 17). The revision of the title devoted to international commissions of inquiry received the unanimous approval of the Conference.

The selection of commissioners is, and must always be, a matter of delicacy and difficulty. Facts as seen by one person differ from those as seen by another, and national interest tends unconsciously to warp the judgment of one whose country is involved in the controversy. But the value of the findings of fact depends upon their accuracy. If possible, they should be found by a tribunal from which nationals are excluded. The world does not seem to be ready for this ideal solution, but the Conference made a serious step toward it by associating strangers to the controversy with the commissioners. Article 12 of the revised convention for the peaceful adjustment of international differences provides that the commissioners of inquiry, in the absence of a special agreement to the contrary, shall be chosen in accordance with Articles 45 and 57 of the revised convention. These articles read as follows:

ART. 45. When the Contracting Powers desire to have recourse to the Permanent Court for the settlement of a difference that has arisen between them, the arbitrators called upon to form the competent Tribunal to decide this difference must be chosen from the general list of members of the Court.

Failing the agreement of the parties on the composition of the Arbitration Tribunal, the following course shall be pursued:

Each party appoints two arbitrators, of whom only one shall be its citizen or subject, or chosen from among those who have been designated by it as members of the Permanent Court. These arbitrators together choose an umpire.

If the votes are equal, the choice of the umpire is intrusted to a third Power selected by the parties by common accord.

If an agreement is not arrived at on this subject, each party selects a

different Power, and the choice of the umpire is made in concert by the Powers thus selected.

If these two Powers have been unable to agree within a period of two months, each of them presents two candidates taken from the list of the members of the Permanent Court, outside of the members designated by the parties and not being the citizens or subjects of either of them. It shall be determined by lot which of the candidates thus presented shall be the umpire.

ART. 57. The umpire is by right President of the Tribunal.

When the Tribunal does not include an umpire, it appoints its own President.

A consideration of Article 45 discloses that at least one of the commissioners or arbitrators shall be a stranger to the controversy. Article 32 of the convention of 1899 left both commissioners or arbitrators to the free choice of the selecting Power. In the next place, it will be noted that the revised convention endeavors to secure the composition of the commission or court by providing ample machinery for the selection of the umpire. In the convention of 1899, in case of an equality of votes, the selection of the umpire was confided to a third Power designated by the common accord of the parties to the controversy. If, however, the parties failed to agree upon the third Power in question, each litigant chose a neutral Power, and these neutral Powers selected the umpire. It might well, happen, however, that the agents would be as far from agreement as the principals. The revision therefore provided that in case of disagreement each litigant Power should select two members from the list of the Permanent Court, who should neither be citizens nor owe their appointment to a designating Power; that thereupon the umpire should be chosen by lot from the members of the Court so designated.

It will therefore be seen that the commission or court will consist of a body of five, at least two of whose members must be strangers to the controversy. The umpire selected by their common accord may be indifferent. If the commissioners or arbitrators fail to agree and make use of the machinery provided, it follows that the umpire selected is a stranger to the controversy, and of the commission or court consisting of five competent persons a majority, that is to say, three, would be persons having no national interest or bias in the controversy. It would seem, therefore, that the revised convention offers a

guarantee for the finding of the facts as impartially as can be the case when national representatives are members of a small commission or court. As these provisions apply to the selection of arbiters for the constitution of the court at The Hague, it is not necessary to refer to them again in detail.

Article 48 of the revision of the convention of 1899 reads as follows:

> The Signatory Powers consider it their duty, if a serious dispute threatens to break out between two or more of them, to remind these latter that the Permanent Court is open to them.
>
> Consequently, they declare that the fact of reminding the conflicting parties of the provisions of the present convention, and the advice given to them, in the highest interests of peace, to have recourse to the Permanent Court, can only be regarded as friendly actions.

To these two paragraphs was added the following provision:

> In case of a controversy between two Powers, one of them may always address to the International Bureau a note containing its declaration that it is willing to submit the difference to arbitration.
>
> The Bureau shall immediately make the declaration known to the other Power.

The American delegation of 1899 made the following reserve regarding this article, and the American delegation of 1907 repeated the reserve in the exact language of 1899:

> Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not entering upon, interfering with, or entangling itself in the political questions or internal administration of any foreign state, nor shall anything contained in the said convention be so construed as to require the relinquishment, by the United States of America, of its traditional attitude toward purely American questions.

The changes regarding the Permanent Court of Arbitration, as in the case of the commission of inquiry, relate chiefly to procedure. In this, as in the previous case, the amendments were the result of experience gained in the actual trial of cases.

In the first place, Article 52, a revision of Article 31, provides that the agreement to arbitrate (the *compromis*) shall specify in detail the period for the appointment of the arbitrators, the form, order, and periods within which the various documents necessary to the arbitration shall be communicated (art. 63),

the amount of money which each party shall deposit in advance to cover expenses. In addition, the agreement to arbitrate shall also, if there is occasion, determine the manner of appointment of the arbitrators, all special powers which the Tribunal may have, its seat, the language which it will use and those whose use will be authorized before it, and, in general, all the conditions which the parties have agreed upon.

It is often difficult to formulate the question to be submitted to the court, and it may well be that the parties litigant, although willing to arbitrate, may not agree upon the form of submission. In order, therefore, to aid the parties, not to coerce them, the revised convention provides a method by which the Permanent Court is competent to draw up the agreement to arbitrate if the parties agree to leave it to this court. It may happen that one party is willing and the other is not. The convention therefore provided that in such a case the court might, upon the request of one of the parties, formulate the *compromis*. The exact language of the article follows:

> After an agreement through diplomatic channels has been attempted in vain it is likewise competent, even if the request is made by only one of the parties, in case:
>
> (1) Of a difference comprised within a general arbitration treaty concluded or renewed after this convention goes into force, providing an agreement to arbitrate for each difference, and neither explicitly nor implicitly barring the competency of the Court to draw up such agreement to arbitrate. However, recourse to the Court shall not be had if the other party declares that the difference does not in its opinion belong to the category of differences to be submitted to compulsory arbitration—unless the arbitration treaty confers upon the Arbitral Tribunal the power to decide this preliminary question.
>
> (2) Of a difference arising from contractual debts claimed by one Power of another Power as being due to its citizens or subjects, and for the solution of which the offer of arbitration has been accepted. This provision is not applicable if the acceptance has been made contingent on the condition that the agreement to arbitrate shall be drawn up in another manner.

If the other party consents, and the moral pressure will be great, the special agreement may be reached in this manner; but as the court is not permanently in session and would have to be constituted for the express purpose of formulating the agreement, it follows that the agreement must in reality be the result of the consent of both parties, because the court can only be constituted by the joint act and coöperation of both parties

litigant. It is supposed, however, that the presence of such a possibility may lead disputants to reach a conclusion, even although they do not care to avail themselves of the machinery provided.

It should be noted that the second section of Article 53 refers to the arbitration of differences arising from contractual debts. As the agreement to renounce the use of force depends upon arbitration, and as arbitration is impossible without the preliminary agreement of submission, it may happen that a failure to agree would destroy, in large measure, the value of the convention. It is hoped that the provisions of this article will enable the agreement to be formulated in extreme cases and thus exclude even the suggestion of force.

The other changes made in the procedure are important, but are not of a nature to cause discussion or comment, because they facilitate but do not otherwise modify the proceedings before the court.

Chapter IV of the revised convention deals with summary arbitration proceedings. Experience shows that it is difficult to constitute the Permanent Court, and that a trial before it is lengthy as well as costly. The Conference, therefore, adopted the proposal of the French delegation to institute a court of summary procedure, consisting of three judges instead of five, with a provision that the umpire, in case of disagreement, be selected by lot from members of the Permanent Court strangers to the controversy. The proceedings are in writing, with the right of each litigant to require the appearance of witnesses and experts. It was hoped that a small court with a summary procedure might lead nations to submit cases of minor importance and thus facilitate recourse to arbitration and diminish its expense.

From this brief survey of the amendments to the convention for the peaceful adjustment of international differences it will be seen that they are not in themselves fundamental, that they do not modify the intent or purpose of the original convention, but that they render the institution of 1899 more efficient in the discharge of its duties. The American delegation, therefore, assisted in the work of revision and signed the convention.

II. Convention Concerning the Limitation of the Employment of Force in the Collection of Contract Debts.

This convention is composed of but two paragraphs, and in simplest terms provides for the substitution of arbitration for force in the collection of contractual debts claimed of the Government of one country by the Government of another country to be due to its nationals. The renunciation of the right to use force is explicit, but to receive the full benefit of this renunciation the debtor must in good faith accept arbitration. Should the parties be unable, or should it be difficult, to formulate the special agreement necessary for the submission of the case, resort may be had to the Permanent Court for the establishment of the special agreement (*compromis*) in accordance with Article 53 of the convention for the peaceful adjustment of international differences.

Finally, the arbitration shall determine, in the absence of agreement between the parties, the justice and the amount of the debt, the time and the mode of payment thereof. It would seem, therefore, that this convention of but two articles will prevent a recourse to force in the future for the collection of contract debts. It should not be overlooked that the agreement to arbitrate is obligatory upon debtor as well as creditor and that the acceptance of the convention is a triumph for the cause of arbitration. It is true that the right to use force was only renounced conditioned upon an arbitration of the indebtedness, but it is not too much to say that the debtor nation may henceforth protect itself from the danger of force and that the application or nonapplication of force really depends upon the good faith of the debtor. This convention was introduced by the American delegation and adopted by the Conference.

III. Convention Relative to the Opening of Hostilities

The convention is very short and is based upon the principle that neither belligerent should be taken by surprise and that the neutral shall not be bound to the performance of neutral duties until it has received notification, even if only by telegram, of the outbreak of war. The means of notification is considered

unimportant, for if the neutral knows, through whatever means or whatever channels, of the existence of war, it can not claim a formal notification from the belligerents before being taxed with neutral obligations. While the importance of the convention to prospective belligerents may be open to doubt, it is clear that it does safeguard in a very high degree the rights of neutrals and specifies authoritatively the exact moment when the duty of neutrality begins. It is for this reason that the American delegation supported the project and signed the convention.

IV. Convention Concerning the Laws and Customs of War on Land

The Conference of 1899 codified the laws of warfare on land within the compass of sixty articles, to which was prefaced an introduction of a formal nature consisting of five articles. The recent Conference revised the convention of 1899, modified it in parts, and added various provisions in order to render the codification as complete and thorough, as accurate and scientific, as the changeable nature of the subject will permit. Following the arrangement of 1899, the revised convention contains several introductory articles, one of which will be discussed later. The various modifications and the additions of the revised convention will be briefly set forth in the order of the convention.

Article 2 is substantially the original text of 1899, with the additional requirement that the population of a nonoccupied territory shall be considered as belligerent "if it carries arms openly and respects the laws and customs of war." States with large permanent armies are unwilling to accord belligerent rights to populations rising at the approach of an enemy. The smaller States, on the contrary, which do not maintain large standing armies, rely upon the patriotism of the mass of the people. This article is conceived in the interest of the small Power with a small standing army, but requires that the population shall not only conform to the laws of war, but shall bear arms openly, so that their military character may be evident.

Article 5 is amended in the interest of the prisoners of war. In its original form the article permitted the internment of prisoners and their confinement "as an indispensable measure of

security." The right of confinement is restricted by the addition of the phrase "and only during the existence of the circumstances which necessitate that measure."

Article 6 is slightly modified and improved by withdrawing from captor States the right to utilize the labor of "commissioned officers." The final paragraph of the original article provided that prisoners should be paid for their work and labor according to the tariffs in force for soldiers of the national army. As it appeared that tariffs in this case were not universal, the following clause was added: "If there are no established rates, at rates appropriate to the work done."

The bureau of information regarding prisoners of war was established by Article 14 and, although excellent in conception, is defective in certain regards; for example, inadequate provision is made for keeping the records of individual prisoners of war and for the disposition of their records at the termination of the war. The revision supplies the omissions.

Article 17 in original form provided that officers who were prisoners of war should receive pay according to the tariff of their country. As, however, many nations, including the United States, allow no pay to such prisoners, the article was revised and modified to read as follows:

> The Government will allow to officers who are prisoners in its hands the pay to which officers of the same grade are entitled in its own service, subject to the condition that it shall be reimbursed by their own Government.

To a nation which cultivates neutrality this provision can impose no serious burden.

Article 23 prohibits certain means of destruction and certain actions of belligerents. To the large category are added two additional paragraphs. It is forbidden to declare extinguished, suspended, or inadmissible in courts of justice the rights and choses in action of the citizens or subjects of the adverse party. The second addition demands more than a quotation, for the additional paragraph forbids a belligerent to force enemy citizens or subjects into taking part against their country, even although such citizens or subjects may have been in its service before the commencement of the war. While it can not be said that war is exclusively a relation between State and State, the modern tendency is to exclude peaceful noncombatants from

its rigors. The inhibition of this paragraph frees the population of an invaded territory from being called upon and forced to serve and extends the inhibition to those who may have been in the service of the belligerent before the outbreak of the war. Attention may be called in this place to Article 44, which further extends and safeguards the right of the inhabitants of occupied territory by forbidding the enemy to force the inhabitants to give information concerning the opposing army or its means of defense.

The original Article 25 forbade belligerents to attack or bombard undefended towns, villages, dwelling places, or buildings. The framers of this article had in view the ordinary means of attack and bombardment. The increased employment of balloons or other like agencies in military operations suggested the insertion of the phrase "by any means whatsoever," so that undefended towns, villages, dwellings, or buildings are not subject to land, aërial, or, as will be seen later, naval attack (see Convention IX). In Article 27 historical monuments are included in the buildings exempt from bombardment.

A slight addition is made to Article 52, providing that the payment of levies in kind, verified by receipts, "shall be arranged for as soon as possible." A nearer approach is thus made to final payment.

Article 53 as amended brings within the scope of military operations "all means of communication and of transport employed on land or sea or in the air for the conveyance of persons, things, or messages," but provides that they shall be restored and indemnities agreed upon at the establishment of peace. The last paragraph of the article provides that submarine cables connecting the occupied or hostile territory shall only be subject to destruction or seizure in case of absolute necessity. They are likewise to be restored and indemnities agreed upon.

Such are the changes suggested by the experience of the past eight years proposed to and adopted by the Conference. Few in number, their importance is considerable, if for no other reason, that they make for completeness, supplying omissions and resolving doubts. An officer in the field can not well be expected to weigh and balance with nicety the vexed problems of international law. A clear and concise code is what he needs and must have. This the convention supplies,

and it must therefore be widely acceptable, although we may well cherish the hope that its dispositions may not be tested for years upon the battlefield or in campaign.

In one respect, however, the revised convention clearly surpasses its predecessor, for Article 3 of the introduction supplies a sanction for the violation of its provisions. To quote literally:

> The belligerent party who shall violate the requirements of these regulations shall be held to indemnity in a proper case. It will be responsible for all acts committed by persons forming a part of its armed forces.

Upon this article and the reasons prompting it, the military delegate uses the following apt and convincing language:

> It is one of the most essential rules of international good neighborhood that the States composing the family of nations shall be guided by the highest good faith in the execution of their treaty obligations. The rules of war of 1899 form no exception to this wholesome and necessary rule. It should be observed, however, that the several requirements of the undertaking are carried into effect—not under the immediate control and direction of the foreign offices of the signatory Powers, but by military officers in the theatre of hostile activity, each acting within the sphere of his command and duty in the military establishment of the belligerent under whose flag he serves. It is not surprising that differences of interpretation and of execution should have arisen in the application of the convention of 1899, or that undue severity should have been shown, from time to time, in the exercise of authority by subordinate commanders. To correct this dangerous tendency and give due emphasis to the well established administrative principle that the State itself is responsible for the acts of its military commanders and subordinate agents, it was determined to add a concluding paragraph having some of the aspects of a penal clause. Its operation will be to require those charged by their Governments with the exercise of high military command to maintain such a constant supervision over the acts of their subordinates as will be calculated to secure the exact and rigorous enforcement of the several requirements of the convention.
>
> If the circumstances of a particular war are such as to suggest the application of a rule of limitation to cases arising under the article, such mutual stipulations in that regard as are warranted by the facts may properly find a place in the treaty of peace.

V. Convention Concerning the Rights and Duties of Neutral Powers and Persons in Land Warfare.

This convention is divided into five chapters, dealing, respectively, with the rights and duties of neutral Powers (arts.

1–10), prisoners and wounded in neutral territory (arts. 11–15), neutral persons (arts. 16–18), railroad material (art. 19), and, finally, dispositions of a formal nature.

The various provisions of the first chapter are largely declaratory of international law and of recognized usage, providing, generally, for the inviolability of neutral territory (art. 1) and that forcible repression of violations of neutral territory can not be considered a hostile act (art. 10); that belligerents may not use neutral territory for purposes of transit either of army or supplies (art. 2); that belligerents shall not install upon neutral territory wireless-telegraph apparatus (art. 3); that detachments shall not be recruited or enrolled in neutral territory (art. 4), but a neutral is not taxed with responsibility by the sole fact that individuals pass its frontiers singly to take service with the enemy (art. 6); that the neutral should not tolerate upon its territory any acts falling within Articles 2–4, but is only constrained to punish these acts as contrary to neutrality if actually committed upon its territory (art. 5); that a neutral is not bound to forbid or hinder the exportation or transit, for the account of either belligerent, of arms, munitions, or, in general, of anything which may be useful to an army or fleet (art. 7); nor is it obliged to interdict or restrain the use by belligerents of its cables, telephones, or telegraphic apparatus, whether owned by the State or private companies (art. 8); but the provisions of Articles 7 and 8 shall be applied indiscriminately to either belligerent.

The provisions of the chapter dealing with the treatment in neutral countries of interned prisoners and wounded are humanitarian in all their parts and require no comment.

Chapter III, dealing with neutral persons, is but a fragment of the various articles submitted by the German delegation to safeguard the rights of neutral persons and property found upon enemy territory. Briefly, they may be summarized as follows: Citizens or subjects of a neutral State not taking part in the war are considered neutrals (art. 16), but lose their neutral character if they commit acts of hostility against or in favor of a belligerent, especially if they take service with one or the other enemy (art. 17). The neutral character, however, is not forfeited by the following acts:

a. Supplies furnished or loans voluntarily made to one of the belligerent parties, provided the furnisher or lender is not a resident of the territory of the other party or of territory in its military occupation and the supplies furnished are not furnished from either of these territories.

b. Services rendered in connection with police or civil administration.

Chapter IV consists of but a single article, providing, briefly, that railroad material belonging to neutral States, corporations, or private individuals shall only be requisitioned or used by a belligerent in case of imperious necessity; that it shall be returned to the country of origin as soon as possible; that a neutral may use like property belonging to a belligerent in case of necessity, and that an indemnity shall be paid for such use (art. 19). This last article is unlikely to have any great importance in a country so situated as the United States, but to a country surrounded by strong and powerful neighbors, as is Luxemburg, the proposer of the article, it may be of no little advantage.

The convention as a whole received the support of the American delegation and was signed by the plenipotentiaries.

VI. Convention Regarding the Enemy's Ships of Commerce at the Beginning of Hostilities

The uninterrupted practice of belligerent Powers since the outbreak of the Crimean war has been to allow enemy merchant vessels *in their ports at the outbreak of hostilities* to depart on their return voyages. The same privilege has been accorded to enemy merchant vessels which sailed before the outbreak of hostilities, to enter and depart from a belligerent port without molestation on the homeward voyage. It was therefore the view of the American delegation that the privilege had acquired such international force as to place it in the category of obligations. Such, indeed, was the view of a majority of the Conference, but as the delegation of Great Britain adhered to the opinion that such free entry and departure was a matter of grace, or favor, and not one of strict right, the articles regard it as a delay by way of favor and refer to the practice as *desirable*.

In support of the American view the case of the *Buena Ventura* is in point. This case was decided in 1899, and in his opinion Justice Peckham says:

[illegible] enemy merchant vessels of the enemy carrying on innocent commerce [illegible] at the time of the war to [illegible] time when hostilities between the two countries [illegible] would, in accordance with the later practice of civilized nations, be the subject of liberal treatment by the Executive. It is necessary when a proclamation has been issued, which lays down rules for treatment of certain vessels, to put upon the words used therein the most liberal and extensive interpretation of which they are capable, and where there are two or more interpretations which possibly might be put upon the language, the one that will be most favorable to the belligerent party, in whose favor the proclamation is issued, ought to be adopted.

This is the doctrine of the English courts, as exemplified in *The Phoenix* [illegible] Prize Cases, 2 Pet. Adm. 171, and *The Hoop*, 1 C. Rob. 196. It is the doctrine which has been followed in the proper and correct *The Sarah Starbuck* [illegible]

At the first reading, the convention seems to confer a privilege upon enemy ships at the outbreak of war. Free entry and departure are provided for, ships are not to be molested on their return voyages, and a general immunity from capture is granted to vessels from their last port of departure, whether hostile or neutral. But all these immunities are conditioned upon ignorance of the existence of hostilities on the part of the ship. This condition forms no part of the existing practice, and it was the opinion of the delegation that it substantially neutralized the apparent benefits of the treaty and puts merchant shipping in a much less favorable situation than is accorded to it by the international practice of the last fifty years.

An enemy merchant vessel approaching a hostile port which

[redacted]

fied that hostilities exist. All other Powers would be placed in a position of great disadvantage, and their merchant marine would suffer incalculable injury as the result of its adoption.

The effects upon the practice of marine insurance are also important. The ordinary contract does not cover a war risk. The operation of a war risk is simple because its conditions and incidents are fully known. But a policy calculated to cover the contingency of capture, the risk depending upon the chance or possibility of notification, would introduce an element of uncertainty into marine risks which, in view of the interests at stake, should not be encouraged.

The convention also presents an undesirable alternative in the treatment of enemy merchant ships, in that it provides that in certain cases they may be seized "subject to restoration after the war without indemnity," or to "immediate requisition with indemnity." As merchant marine commerce is carried on it is obvious that the condition of the cargo which is detained in indifferent or inefficient custodianship during the ordinary duration of war would approach confiscation. It would also be substantially impossible to make such a risk the subject of a practicable contract of insurance.

The foregoing convention was not signed by the delegation, and its acceptance as a conventional obligation is not recommended.

VII. Convention for Regulating the Transformation of Vessels of Commerce into Vessels of War.

The delegation found no objection to the requirements of the foregoing convention in so far as its application to the transformation of purchased or chartered vessels into public armed vessels is concerned.

The preamble recites the fact that the Powers have been unable to come to an agreement as to the transformation of a merchant vessel into a public armed vessel on the high seas in time of war. For that reason the convention is silent as to the place where such transformation shall take place, and the several articles of the convention are restricted in their operation to such other incidents of the transformation as

relate to the authority to make it, the public record of the fact, the external marks of the transformed vessel, the character of the officers and crew, the discipline to be maintained, and the subjection of the vessel in its operations to the rules of maritime warfare.

It will be noted that the question of the place where the transformation of vessels of commerce into vessels of war is expressly excluded by the preamble to the convention because the Conference was unable to harmonize the divergent views upon this matter. The American delegation, wishing to obviate controversies in the future, insisted that the transformation should take place either within the home port or territorial waters of the transforming country. Other delegations insisted that the transformation might take place not only within the home ports and territorial waters, but upon the high seas. As the difference of opinion was radical and irreconcilable, it was agreed to eliminate the question from the convention, but with such elimination the convention ceased to have any great value.

The delegation would, perhaps, have approved and signed the convention as it stands were it not for the fact that the Conference considered its provisions as the corollary of the Declaration of Paris and as a guarantee against a more or less disguised return to the practice of privateering. The United States has not renounced the right to resort to privateering, although it has on various occasions expressed a willingness so to do if the inviolability of unoffending private property belonging to the enemy on the high seas be guaranteed. The American delegation made a declaration to that effect at the thirteenth session of the committee of examination and repeated it at the seventh plenary session of the Conference on September 27, 1907, in the following language:

> It is evident that the propositions incorporated in the report of the committee of examination have for their principal object the reiteration of the Declaration of Paris relative to the abolition of privateering. It is well known that the Government of the United States of America has not adhered to that Declaration for the sole reason that it refuses to recognize the inviolability of private property on the high seas. The propositions submitted present questions solely for the consideration of the Powers which are signatories of the Declaration of Paris, and consequently our delegation must, for the present, decline to participate in their discussion and abstain

from voting. If, however, the Conference, by its action, should establish the inviolability of private property on the seas, this delegation would be pleased to vote for the abolition of privateering.

The delegation was not unmindful of an internal and constitutional question in taking this action, for Congress is given by the Constitution the power "to declare war, *grant letters of marque and reprisal*, and make rules concerning captures on land and water" (Constitution, art. I, sec. 8, cl. 10). At various times Congress has exercised this right, by the acts of June 18, 1812, June 26, 1812, and January 27, 1813, the latter two, in furtherance of or amendment to the original act of 1812. In view of the constitutional origin and nature of the right to grant letters of marque and reprisal, and in view of the fact that this right has been exercised by Congress, it seemed to the American delegation inadvisable to seek to bind the United States by conventional stipulations.

VIII. Convention in Regard to the Placing of Submarine Mines.

The question of imposing restrictions upon the employment of submarine mines gave rise to extensive discussion and was made the subject of numerous propositions. Some of these were adopted and some were rejected by the Conference. It is quite safe to say, however, that, due to the enormous loss of life and property as a result of the floating mines in the China Sea since the close of hostilities in the vicinity of Port Arthur, international public opinion now demands that anchored mines which may break loose from their moorings, shall, by the fact of going adrift, become harmless. There is a similar demand that non-anchored mines, if employed by belligerents in time of war, shall become inoffensive within a very short time, one or two hours at the longest, after they have passed out of the control of the party who planted them in the high seas or in the territorial waters of a belligerent. Beyond this, if there has been a formulation of public opinion, it is not unanimous and, possibly for that reason, has not found unequivocal expression.

The clauses which were inserted in deference to the demands of the insistent public opinion of the civilized world are

embodied in the three numbered paragraphs of Article I. In Article II the placing of mines is prohibited along the coasts or before the ports of an adversary for the sole purpose of interrupting commercial navigation. In other words, a blockade may not be established and maintained by the sole use of submarine mines. Articles III, IV, and V are intended to provide for the safety of navigation of mine fields by commercial vessels and to insure the removal of mines at the close of the war. Article IV permits neutrals to use mines in the enforcement of their neutral rights and duties. Article VI contains the stipulation that Powers whose existing systems of mine defense do not conform to the requirements of the convention shall bring about such conformity "as soon as possible." In Article VII the life of the convention is restricted to seven years, or until the close of a Third Peace Conference if that date is earlier.

The convention as adopted by the Conference in plenary session was generally acceptable to maritime Powers and was approved by the delegation of the United States.

IX. Convention Concerning the Bombardment of Undefended Ports, Cities, and Villages by Naval Forces in Time of War.

The question which the Conference undertook to regulate by a convention might be considered academic were it not for the fact that the possibility of the bombardment of undefended ports, cities, and villages has been suggested and fear expressed that it be carried into practice. It is therefore advisable to prevent in express terms the occurrence of such bombardments; a precedent exists, and the convention brings the rules of land and naval warfare into exact harmony. For example, the rule adopted by the Conference of 1899 is as follows: "The attack or bombardment of towns, villages, habitations, or dwellings which are not defended is prohibited" (Convention Concerning Laws and Customs of Land Warfare of 1899, art. 25).

In applying a remedy to the situation above outlined, the Conference went somewhat beyond the strict necessities of the case. The prohibition in respect to bombardment is

embodied in Article 1 of the convention, the last clause of which contains the wholesome requirement that the mere fact that submarine mines are planted in front of a particular port or place shall not operate to take it out of the class of undefended towns.

In Article 2, which is in the nature of an excepting clause, a naval force is authorized to be employed against "military works, military or naval establishments, depots of arms or material of war, shops and establishments suitable to be utilized for the needs of the enemy's army or navy, and vessels of war then in port." This requirement may be properly regarded as declaratory of the existing rule, which authorizes the destruction of works or establishments in which material of war is manufactured. The mere presence of an armed vessel in the port operates to take the place out of the class of undefended towns.

Article 3 authorizes the employment of naval force to enforce compliance with a proper naval requisition—as for coal or provisions. If the right to impose requisitions be conceded—and none is better established in international law—it would inevitably follow that force may be used to collect them. To that extent, therefore, Article 3 is declaratory. The requirement in respect to the amount and character of the requisition is not only new but proper.

In Article 4 it is expressly forbidden to bombard undefended towns for the nonpayment of contributions as distinguished from requisitions. This is a wise and salutary provision.

Chapter II is intended to regulate the naval bombardment of fortified places and defended towns and imposes upon the attacking force the same restrictions in respect to historical monuments, churches, artistic and scientific collections, hospitals, and similar edifices, which are already recognized in land warfare (Art. XXVII, Hague Convention, 1899). It is also made the duty of the local authorities or inhabitants to designate the buildings which are entitled to immunity by a conventional sign, consisting of two large rectangles on which two triangles are superposed, the upper one being colored black and the lower white.

Article 6 charges the commander of the attacking forces with the duty, so far as the military necessities permit, of

[illegible] the local authorities of [illegible] Art. XXVI. Hague Convention [illegible] village is expressly forbidden (Art. [illegible]

[illegible] the convention is [illegible] how naval operations can [illegible] restrictions. [illegible] approved and signed the [illegible]

[illegible] the Principles of the Geneva Convention of Maritime War

[illegible] this convention to replace the corresponding [illegible] the Maritime Convention of July [illegible] and treatment of the sick and [illegible] maritime warfare. The convention of 1899 was [illegible] inadequate, and to some extent [illegible] the Geneva Convention of 1864. [illegible] provided by the new agreement, [illegible] States of the civilized world were signatory [illegible] Geneva, Switzerland, on July 6, 1906. [illegible] 1906 embodies the advances [illegible] made in the treatment of the sick and [illegible] years which had elapsed since the [illegible] agreement in 1864. The new undertaking [illegible] its operation to warfare on land,



It was the purpose of the conference to introduce such amendments and ameliorations into the Maritime Convention of 1899 as were thought necessary to bring it into conformity with the humane requirements of the Geneva Convention of 1906. In point of completeness and efficiency the new convention leaves nothing to be desired.

XI. Convention with Regard to Certain Restrictions Upon the Right of Capture in Maritime War

This convention marks an important step in advance, in that it confers an immunity from capture upon all postal correspondence, public or private, carried as mail on a neutral or enemy vessel. The parcels post is excepted, or to speak more correctly, is not expressly included in the conventional immunity. The carrying vessel is not exempt from seizure, in a proper case, but in the event of capture the belligerent becomes charged with the duty of forwarding the mails to their destination "with the least possible delay."

Violation of blockade is excluded from the beneficial operation of the convention in Article 1, and the liability to search and capture are provided for, subject to reasonable restrictions in Article 2.

The exemption of fishing boats from capture in time of war has been accorded in a number of cases, notably in the leading case of *The Paquete Habana* ([1899] 175 U. S., 677), arising out of the Spanish war, but there have been exceptions, and the rule is by no means one of universal application. The operation of the treaty is to give to the better practice the sanction of conventional obligation and to include small non-seagoing vessels, exclusively engaged in the coast trade, within its beneficial operation. Article 2 confers a similar immunity upon the vessels engaged in scientific, religious, or philanthropic missions.

The concluding chapter regulates the treatment to be accorded to neutral and enemy subjects found on board a captured enemy merchant vessel. The language of the naval delegate states the aim and purpose of the stipulations in the following concise and apt terms:

> A distinction is made between neutral and enemy subjects. The neutral citizens or subjects in the crew are released unconditionally with-

out any engagement. The officers who are neutral citizens or subjects are released upon giving a written engagement not to serve on board an enemy ship during the war.

The enemy subjects or citizens are required to give a written engagement not to take part in any service having relation to the operations of the war during the continuance of hostilities.

The reserve contained in Article IV is intended to apply to the case of vessels engaged in *unneutral* service such as the conveyance of fuel or supplies directly to the fleet and, in general, to merchant vessels coöperating with naval forces. The crews of such vessels under the present rules of international law are subject to retention as prisoners of war and no new hardship is imposed.

As the convention in all its parts is conceived in a highly humane spirit, the American delegation both approved and signed it.

XII. Convention Regarding the Establishment of an International Prize Court

The details of this convention, as would be expected in an act organizing an international prize court, are complicated. The fundamental principle, however, is simple, namely, that the court of the captor should not pass ultimately upon the propriety or impropriety of a seizure made by the national authorities of which the judge is a subject or citizen; in other words, that one should not be judge in his own cause. It is stated by judges of the highest repute, the great Lord Stowell among the number, that a prize court is an international court, although sitting within the captor's territory and established in pursuance of the rules and regulations issued by the captor; that the law administered in such a court is international law; and that the judgment of the court, in the absence of fraud, is universally binding. This may be the theory, although it seems much like a fiction, for the fact is that prize courts or courts exercising prize jurisdiction are constituted by the municipal authorities; that the judges are appointed, as other municipal judges, by the sovereign power of the State; that the law administered in the court, whether it be largely international in its nature or not, is the municipal or the prize law of the appointing country, and that the judgment delivered has the essential qualities of a national judgment. Even if the court were strictly international, the judge is, nevertheless, a citizen or

subject of the captor, and national prejudices, bias, or an indisposition to thwart the settled policy of his country must insensibly influence the judge in the formation of his opinion. The presumption is in favor of the validity of the capture; upon the neutral is imposed the hard and difficult task to overcome this presumption, and the frequency with which judgments of courts of prize, even of the highest and most respectable courts, have been protested through diplomatic channels and the questions submitted anew to the examination of mixed commissions and decided adversely to the captor, would seem to establish beyond reasonable doubt that, international in theory, they are national in fact and lack the impartiality of an international tribunal. Nor are instances lacking of the submission of questions to a mixed commission which have been passed upon by the Supreme Court of the United States sitting as a court of appeal in prize cases, and in which the United States has by virtue of an adverse decision of a mixed commission reimbursed the claimants. Reference is made by way of example to the well-known case of *The Circassian* ([1864] 2 Wall., 135, 160) in which the British and American Mixed Commission made awards in favor of all the claimants (4 Moore's International Arbitrations, pp. 3911–3923).

The purpose, then, of the convention is to substitute international for national judgment and to subject the decision of a national court to an international tribunal composed of judges trained in maritime law. It was not the intention of the framers of the convention to exclude a judge of the captor's country whose presence on the bench would insure a careful consideration of the captor's point of view, but to make the decision of the case depend upon strangers to the controversy who, without special interest and national bias, would apply in the solution of the case international law and equity. The national judgment becomes international; the judgment of the captor yields to the judgment of the neutral, and it can not be doubted that neutral Powers are more likely to guard the rights of neutrals than any bench composed exclusively of national judges.

It is not to be presumed, however, that the judgment of the captor will be biased or, if the judgment of the court of first instance be incorrect, that its judgment will not be reversed on appeal to the higher court. It can not be supposed that a judg-

ment of a district court of the United States, if improper, would be affirmed by the Supreme Court of the United States; and it may safely be assumed that few litigants would care to carry a case from the Supreme Court of the United States to an international court, wherever and however established. Delay and expense would militate against it, the known impartiality and the reputation of the Supreme Court would counsel against it, and it would only be an extreme case and one of great importance that would induce private suitor or National Government to seek a reëxamination of the case before an international court.

The American delegation was unwilling to allow an appeal directly from the district court to the international court, as in the original German project, holding that the captor's court of appeal should be given the opportunity to correct or revise a judgment and that if a case be submitted to the international court that court would derive inestimable benefit from a careful consideration of the judgment of the Supreme Court. The project was amended so as to permit one national appeal, out of consideration to the objections of the United States and Great Britain, and when so amended was acceptable to both.

The provisions of Article 46 are of importance in this connection. This article provides, briefly, that each party pays its own expenses; the defeated party the expenses of the procedure and in addition pays into the court 1 per cent of the value of the object in litigation to the general expenses of the court. Finally if the suitor be not a sovereign State, but a private individual, a bond may be exacted by the court to guarantee the expenses above mentioned as a condition of taking jurisdiction. It needs no further argument to show that a case is not likely to be presented to the international court unless the amount or principle involved justifies the submission.

Admitting, however, the possibility of appeal, it is important, in the interest of international justice as well as in the interest of the individual suitor, that there be an end of litigation and that the principle of law applicable to the concrete case be established in a judicial proceeding. It is therefore provided that the appeal from the court of first instance to the national court of appeal shall have been perfected and the case decided within two years from the date of capture, which period was acceptable to Great Britain, a joint proposer with Germany,

notwithstanding the fact that the appeal might be from a British vice-admiralty court situated in a remote quarter of the globe. An examination of all the appeals taken from the judgments of district courts in cases arising out of the late Spanish-American war shows that this period of time was adequate for the ultimate disposition of those cases before the Supreme Court of the United States. The period, therefore, was satisfactory to the American delegation. But it might happen that the case was not settled either in the court of first instance or in the international court of appeal within the conventional period of two years. In such a case it is provided that the case may be transferred from the national court and submitted to the International Court of Prize at The Hague. Should these provisions commend themselves generally, cases will be decided promptly by national courts, and the ultimate decision of the international court, if one there is to be, will be handed down before the suitor is broken in fortune and years.

The proposed court is to consist of fifteen judges, of whom nine shall constitute the quorum necessary for the transaction of business (art. 14). They are to be chosen from among jurists of recognized competency in questions of international maritime law and should possess the highest moral consideration. They are to be nominated for a period of six years, and their appointment may be renewed. Of the fifteen judges, eight countries possess the right to nominate each a judge to serve for the full period of six years. In the alphabetical order of the French names these countries are Germany, the United States of America, Austria-Hungary, France, Great Britain, Italy, Japan and Russia. The remaining seven judges are appointed for a like period of six years, but exercise their functions as judges within a shorter period, the length of active service depending largely upon the commercial and maritime importance of the various nations, their supposed interest in the questions likely to come before the court, and the frequency with which they may appear as suitors. The exact manner in which and the periods during which all the other judges shall be called to exercise their functions appear from the table annexed to the convention and made a part thereof (art. 15). Any classification is bound to be more or less arbitrary, and its acceptance demands no little sacrifice on the part of the State

which possesses less than the full representation. It was felt that the continuous presence in the court of judges representing the eight States mentioned would form a nucleus of trained judges and that the weight and authority of these judges based upon training and experience would counterbalance the disadvantage of the changes introduced in the court by the successive participation of representatives of different countries.

As the proposed court is to be international and is to be established primarily to settle peaceably and by judicial methods controversies arising between State and State involving the validity of capture, the sovereign States whose interests are involved in the controversy may appear before the prize court just as such sovereign States in other prize matters may and do actually appear before an arbitration tribunal. It may thus be that sovereign States will ordinarily be parties plaintiff and defendant.

It may, however, happen that a State does not wish to espouse the cause of its citizen, although convinced that an injustice has been committed. In such a case it would seem to be eminently proper that the injured individual should himself appear before the court and litigate the question. The fourth article of the convention invests an individual claimant with such right; but, lest the exercise of the right may prove embarrassing to the State, the same article makes this right depend upon the permission of the State whereof the claimant is a subject or citizen, and acknowledges the right of such State either to prevent his appearance or to appear on behalf of such subject or citizen. It is thus seen that whether the State is party litigant or not, it reserves fully the right to control the litigation.

The jurisdiction of the proposed court is dealt with in Article 7, the translation of which is as follows:

> If the question of law to be decided is provided for by a convention in force between the belligerent captor and the Power which is itself a party to the controversy or whose citizen or subject is a party thereto, the International Court shall conform to the stipulation of the said convention.
>
> In the absence of such stipulations, the International Court shall apply the rules of international law. If generally recognized rules do not exist, the court shall decide in accordance with general principles of justice and equity.
>
> The foregoing provisions shall apply with regard to the order of

admission of evidence as well as to the means which may be employed adducing it.

If, in accordance with Article 3, No. 2*c*, the appeal is based on the violation of a legal provision enacted by the belligerent captor, the court shall apply this provision.

The court may leave out of account statutes of limitation barring procedure according to the laws of the belligerent captor, in case it considers that the consequences thereof would be contrary to justice and equity.

It can not be denied that the question of the jurisdiction of the court is not only of general interest, but of fundamental importance to the contracting parties. The first clause of the article calls attention to conventional stipulations which, if establishing rules of law, shall be binding upon the court in controversies between parties to the convention. It was hoped that the provisions of prize law likely to give rise to controversies would be codified by the Conference and that, therefore, there would be a conventional law prescribed by the Conference for the proposed court. A general agreement was not, however, reached.

The jurisdiction of the court, as set forth in Article 7, was proposed by Great Britain, and accepted by the Conference as interpreted by the learned and distinguished reporter, Mr. Louis Renault, from whose elaborate report the following weighty passages are quoted as the best contemporary interpretation of the article:

What rules of law will the new prize court apply?

This is a question of the greatest importance, the delicacy and gravity of which can not be overlooked. It has often claimed the attention of those who have thought of the establishment of an international jurisdiction on the subject we are considering.

If the laws of maritime warfare were codified, it would be easy to say that the international prize court, the same as the national courts, should apply international law. It would be a regular function of the international court to revise the decisions of the national courts which had wrongly applied or interpreted the international law. The international courts and the national courts would decide in accordance with the same rules, which it would be supposed ought merely to be interpreted more authoritatively and impartially by the former courts than by the latter. But this is far from being the case. On many points, and some of them very important ones, the laws on maritime warfare are still uncertain, and each nation formulates them according to its ideas and interests. In spite of the efforts made at the present Conference to diminish these uncertainties one can not

help realizing that many will continue to exist. A serious difficulty at once arises here.

It goes without saying that where there are rules established by treaty, whether they are general or at least common to the nations concerned in the capture (the captor nation and the nation to which the vessel or cargo seized belongs), the international court will have to conform to these rules. Even in the absence of a formal treaty, there may be a recognized customary rule which passes as a tacit expression of the will of the nations. But what will happen if the positive law, written or customary, is silent? There appears to be no doubt that the solution dictated by the strict principles of legal reasoning should prevail. Wherever the positive law has not expressed itself, each belligerent has a right to make his own regulations, and it can not be said that they are contrary to a law which does not exist. In this case, how could the decision of a national prize court be revised when it has merely applied in a regular manner the law of its country, which law is not contrary to any principle of international law? The conclusion would therefore be that in default of an international rule firmly established, the international court shall apply the law of the captor.

Of course it will be easy to offer the objection that in this manner there would be a very changeable law, often very arbitrary and even conflicting, certain belligerents abusing the latitude left them by the positive law. This would be a reason for hastening the codification of the latter in order to remove the deficiencies and the uncertainties which are complained of and which bring about the difficult situation which has just been pointed out.

However, after mature reflection, we believe that we ought to propose to you a solution, bold to be sure, but calculated considerably to improve the practice of international law. "If generally recognized rules do not exist, the court shall decide *according to the general principles of justice and equity.*" It is thus called upon to *create the law* and to take into account other principles than those to which the national prize court was required to conform, whose decision is assailed by the international court. We are confident that the judges chosen by the Powers will be equal to the task which is thus imposed upon them and that they will perform it with moderation and firmness. They will interpret the rules of practice in accordance with justice without overthrowing them. A fear of their just decisions may mean the exercise of more wisdom by the belligerent and the national judges, may lead them to make a more serious and conscientious investigation, and prevent the adoption of regulations and the rendering of decisions which are too arbitrary. The judges of the international court will not be obliged to render two decisions contrary to each other by applying successively to two neutral vessels seized under the same conditions different regulations established by the two belligerents. To sum up, the situation created for the new prize court will greatly resemble the condition which has long existed in the courts of countries where the laws, chiefly customary, were still rudimentary. These courts made the law at the same time that they applied it, and their decisions constituted *precedents*, which become an important source of the law. The most essential thing is to have

judges who inspire perfect confidence. If, in order to have a complete set of international laws, we were to wait until we had judges to apply it, the event would be a prospective one which even the youngest of us could hardly expect to see. A scientific society, such as the *Institute of International Law*, was able, by devoting twelve years to the work, to prepare a set of international regulations on maritime prizes in which the organization and the procedure of the international court have only a very limited scope. The community of civilized nations is more difficult to set on foot than an association of juristconsults; it must be subject to other considerations or even other prejudices, the reconcilement of which is not so easy as that of legal opinions. Let us therefore agree that a court composed of eminent judges shall be entrusted with the task of supplying the deficiencies of positive law until the codification of international law regularly undertaken by the Governments shall simplify their task.

The ideas which have just been set forth will be applicable with regard to the order of admission of evidence as well as to the means which may be employed in gathering it. In most countries arbitrary rules exist regarding the order of admission of evidence. To use a technical expression, upon whom does the burden of proof rest? To be rational one would have to say that it is the captor's place to prove the legality of the seizure that is made. This is especially true in case of a violation of neutrality charged against a neutral vessel. Such a violation should not be presumed. And still the captured party is frequently required to prove the nullity of the capture, and consequently its illegality, so that in case of doubt it is the captured party (the plaintiff) who loses the suit. This is not equitable and will not be imposed upon the international court.

What has just been said regarding the order of evidence also applies to the means of gathering it, regarding which more or less arbitrary rules exist. How can the nationality, ownership, and the domicile be proven? Is it only by means of the ship's papers, or also by means of documents produced elsewhere? We believe in allowing the court full power to decide.

Finally, in the same spirit of broad equity, the court is authorized not to take into account limitations of procedure prescribed by the laws of the belligerent captor, when it deems that the consequences thereof would be unreasonable. For instance, there may be provisions in the law which are too strict with regard to the period for making appeal or which enable a relinquishment of the claim to be too easily presumed, etc.

There is a case in which the international court necessarily applies simply the law of the captor, namely, the case in which the appeal is founded on the fact that the national court has violated a legal provision enacted by the belligerent captor. This is one of the cases in which a subject of the enemy is allowed to appeal (Art. 3, No. 2*c*, at end).

Article 7 which has thus been commented upon, is an obvious proof of the sentiment of justice which animates the authors of the draft, as well as of the confidence which they repose in the successful operation of the institution to be created.

The expediency of the establishment of the prize court must naturally be determined by those entrusted with such matters. The question of the constitutionality of the proposed international court of prize as a treaty court would seem to be precluded by the decision of the Supreme Court of the United States *in re Ross* (140 U. S., 453). Indeed it would seem that that may well be done generally which may be done singly or individually and that the submission of prize cases to an international court of appeal definitively constituted and in session is a wiser, safer, and more commendable practice than to submit questions of prize law to a mixed commission which may, as happened in the past, decide contrary to the Supreme Court of the United States.

In view, therefore, of the advantages of a permanent court to which an appeal may be taken, and in view of the guaranteed impartiality of an international decision, composed as the court would be in large majority by neutrals, and in view also of the determined policy of the United States to remain a neutral in all international conflicts, it would seem that we need scarcely fear the reversal of the decisions of our courts because such decisions presuppose a war to which we are a party. The existence of the court offers our citizens an international forum in which to safeguard their interests as neutral buyers and carriers in all parts of the world. The American delegation, therefore, not only approved and signed the convention, but proposed it jointly with Germany, Great Britain, and France.

XIII. Convention Concerning the Rights and Duties of Neutral Powers in Case of Maritime War

This convention deals with the important subject of maritime neutrality and formulates the progress which has been made in that subject in the past half century. It is stated in the preamble that the convention is incomplete; in view of the extent of the field to be covered and the sharply conflicting interests that are involved, a complete treatment of the subject was hardly to be expected. The convention therefore properly contains the suggestion that, in giving effect to its requirements, the rules of international law shall be regarded as supplementing the provisions of the convention. Neutrals are advised that any

rules which they may apply, or any measures to which they may resort with a view to the enforcement of their neutral rights or the fulfillment of their neutral obligations, shall be uniformly applied to all belligerents, and shall not be changed during the progress of a particular war.

Out of an abundance of caution the enacting clause contains a provision that the requirements of the convention shall not be regarded as encroaching upon the requirements of existing treaties. In other words, an undertaking like the Black Sea treaty, containing provisions in regard to the passage of war ships through the Dardanelles, is not modified or abrogated by the requirements of the foregoing convention.

The proposition advanced by England represented the strict views of neutral rights and duties which are held by states maintaining powerful naval establishments, supplemented by a widely distributed system of coaling stations and ports of call, in which their merchant vessels could find convenient refuge at the outbreak of war and which enable them to carry on operations at sea quite independently of a resort to neutral ports for the procurement of coal or other supplies or for purposes of repair. As the policy of the United States Government has generally been one of strict neutrality, the delegation found itself in sympathy with this policy in many, if not most, of its essential details. France for many years past has taken a somewhat different view of its neutral obligations, and has practiced a liberal, rather than a strict, neutrality. The views of France in that regard have received some support from the Russian delegation and were favored to some extent by Germany and Austria.

It was constantly borne in mind by the delegation, in all deliberations in committee, that the United States is, and always has been, a permanently neutral Power, and has always endeavored to secure the greatest enlargement of neutral privileges and immunities. Not only are its interests permanently neutral, but it is so fortunately situated, in respect to its military and naval establishments, as to be able to enforce respect for such neutral rights and obligations as flow from its essential rights of sovereignty and independence.

With a view, therefore, to secure to neutral States the greatest possible exemption from the burdens and hardships of war, the

delegation of the United States gave constant support to the view that stipulations having for that purpose the definition of the rights and duties of neutrals should, as a rule, take the form of restrictions and prohibitions upon the belligerents, and should not, save in case of necessity, charge neutrals with the performance of specific duties. This rule was only departed from by the delegation in cases where weak neutral Powers demanded, and need, the support of treaty stipulations in furtherance of their neutral duties. It was also borne in mind that a State resorting to certain acts with a view to prevent violations of its neutrality derives power to act from the fact of its sovereignty, rather than from the stipulations of an international convention.

The first two articles and the first paragraph of Article 3 of the convention represent in substance the existing rule of international law on the subjects of which they treat. The second paragraph of Article 3 shifts the obligation from the neutral to the captor, who is bound upon request of the neutral to return the prize captured improperly in neutral waters. The neutral, however, is not obligated to make the demand, and it may thus happen that a powerful captor violates neutral waters without protest from the neutral. It may well be that the spirit of the article imposes the duty upon the neutral; the letter does not. The article seems, therefore, to be objectionable.

Article 5 embodies the second of the rules adopted in the treaty of Washington for the guidance of the Geneva Tribunal, to which is added a prohibition respecting the establishment of wireless-telegraph stations on neutral territory. Article 6 is new and forbids a neutral State, as such, to transfer vessels or munitions of war to a belligerent. Article 7 embodies the existing rule of international law which charges a State with no duty of forbidding the exportation from or transit of war material through its territory in time of war. Article 8 embodies the first of the rules of the treaty of Washington for the guidance of the Geneva Tribunal.

Article 9 is a correct statement of the existing rule of impartiality in the dealings of neutral States with belligerents. The right to forbid access to its ports to a vessel which has failed or neglected to conform to the orders of the neutral State, or has violated its neutrality, is generally conceded.

Article 10 is new in conventional form, and authorizes the

passage of an armed vessel or prize through territorial waters. In the absence of restrictive language this would seem to include straits which connect bodies of water which are open to public navigation. It also recognizes the fact that such mere passage through any territorial waters, provided no acts of hostility are committed, does not compromise the neutrality of the State to which they belong. The requirement of the enacting clause, that the provisions of existing treaties are not abrogated or modified by the convention, applies to this article. It may be noted, in passing, that the rule established in Article 10 is substantially the same, in so far as free passage is concerned, as the rules prescribed by treaty in connection with the passage of the Suez and Panama canals by public armed vessels in time of war.

The stipulations in respect to the use of licensed pilots (art. 11), the twenty-four hours rule (arts. 12 and 13), and the length of sojourn to repair damages stand in need of no comment.

Article 15 is new and is intended to prevent a neutral port from being made either a base of hostile operations or a place of assembly for the fleets of a belligerent. To that end a neutral may restrict at discretion the number of belligerent ships, including auxiliary vessels, that may enjoy its hospitality at any one time. In default of such rule, the number of ships of war or auxiliary vessels that may be in a particular neutral port at the same time is fixed at three.

Article 19 is an extremely important one. It provides that:

ART. 19. Belligerent vessels of war can not revictual in neutral ports and roads except to complete their normal supplies in time of peace.

Neither can these vessels take on board fuel except to reach the nearest port of their own country. They may, however, take on the fuel necessary to fill their bunkers, properly so called, when they are in the waters of neutral countries which have adopted this method of determining the amount of fuel to be furnished.

If, according to the rules of the neutral Power, vessels can only receive coal 24 hours after their arrival, the lawful duration of their sojourn shall be prolonged 24 hours.

ART. 20. Belligerent vessels of war which have taken on board coal in the port of a neutral Power, can not renew their supply within three months in a port of the same Power.

The great Powers of the world are susceptible of being grouped into two classes in the matter of neutral policy. England, having great naval power, supplemented by an extensive

Had the proposition been adopted, there would have been some reason for authorizing such an asylum to be afforded in the case of neutral prizes.

Article 24 covers the case of the internment of a public armed vessel in a neutral port, and vests sufficient authority in the neutral to insure respect for its sovereign rights and obligations.

Article 25 is a restatement of the third of the rules of the Treaty of Washington, and as such is worthy of adoption.

Article 26 was inserted in the interest of the weaker naval Powers, and contains a stipulation that an exercise of its rights by a neutral State, involving possibly a resort to force, shall not be regarded as an unfriendly act by either belligerent.

Article 27 contemplates a mutual exchange of laws, ordinances, regulations, and other authoritative utterances of the respective Governments in respect to the conduct of belligerent vessels of war in their ports and waters. These are to be transmitted to the Dutch Government and by that Government to the other contracting parties.

This convention, was made the subject of reservation at the plenary session of the Conference and was not signed by the American delegation. This was done in order to enable the Department to determine whether, all things considered, it was proper or expedient to subject the performance of its neutral rights and duties to some measures of conventional regulation.

By way of recapitulation: The second paragraph of Article 3 and Article 23 should not be approved. As to Article 19, covering the question of coal supply, it can only be said that it represents a compromise of very divergent interests, and that practice under it in the future will be substantially the same as in the past.

The Naval Delegate of the United States expressed the following opinion:

> The lack of conventional agreements regulating the exercise of neutrality has more than once threatened to involve the whole world in war and perhaps the rules adopted by this Conference, if they are unanimously approved by the maritime Powers, might be accepted as possibly promoting peace, since practically they certify the right of neutrals to do as they please within very wide limits without fear of reclamation, but there is no question that they are not in accord either with the practice of the United States or with its strategic situation.

A careful examination of the convention as a whole and in all its parts leads to the conclusion that its ratification is in the interest of neutral Powers, but that in such ratification it is suggested that the second paragraph of Article 3 and Article 23 be rejected.

XIV. Declaration Forbidding the Launching of Projectiles from Balloons

This declaration consists of but a single article, the essential portion of which follows:

> The Contracting Parties agree to prohibit, for a period extending to the close of the Third Peace Conference, the discharge of projectiles and explosives from balloons or by other new methods of a similar nature.

The declaration was a reënactment of the analogous provision of the First Conference, which, however, being for a period of five years, had elapsed. In order to prevent the lapse of the present declaration, it was provided that it should remain in effect until the end of the Third Conference.

Declaration Concerning Obligatory Arbitration.

The Conference was unable to agree upon a general treaty of arbitration, although a large majority expressed itself in favor of a general treaty of arbitration, reserving therefrom questions concerning the independence, vital interests, and honor, and setting forth a list of concrete subjects in which the contracting Powers were willing to renounce the honor clause. The principle of obligatory arbitration was unanimously admitted in the abstract, but when it was proposed to incorporate this principle in a concrete case or series of cases insurmountable difficulties arose. Some Powers seemed willing to conclude arbitration treaties with certain other carefully selected Powers, but were unwilling to bind themselves with the remaining nations of the world. Other nations were willing to renounce the honor clause in some subjects but not in others. It seemed to the friends of arbitration feasible to do generally in a single instrument what they had agreed to do in separate treaties with various countries. The majority felt that it was desirable to conclude at The Hague a general arbitration treaty binding those who were willing to be

bound, without seeking, directly or indirectly, to coerce the minority, which was unwilling to bind itself. The minority, however, refused to permit the majority to conclude such a treaty, invoking the principle of unanimity or substantial unanimity for all conventions concluded at The Hague. In the interest of conciliation the majority yielded, although it did not share the point of view of the minority. The minority on its part recognized unequivocally and unreservedly the principle of obligatory arbitration, and the following declaration was unanimously accepted and proclaimed by the Conference:

> The conference, conforming to the spirit of good understanding and reciprocal concessions which is the very spirit of its deliberations, has drawn up the following Declaration, which, while reserving to each one of the Powers represented the benefit of its votes, permits them all to affirm the principles which they consider to have been unanimously accepted.
>
> It is unanimous:
>
> 1. In accepting the principle for obligatory arbitration.
> 2. In declaring that certain differences, and notably those relating to the interpretation and application of international conventional stipulations, are susceptible of being submitted to obligatory arbitration without any restrictions.

The friends of arbitration were bitterly disappointed and the American delegation abstained from voting on the declaration; first, because it seemed to be an inadmissible retreat from the advanced position secured by an affirmative vote of four to one in favor of the arbitration convention, and, second, lest an affirmative vote be construed to indicate both an approval of the arguments or methods of the minority as well as of the withdrawal of the proposed treaty. It may be admitted that the establishment of the principle of obligatory arbitration is an advance. It is not, however, the great advance so earnestly desired; for a concrete treaty embodying the principle of obligatory arbitration would have been infinitely more valuable than the declaration of obligatory arbitration, however solemnly made.

Resolution Concerning the Limitation of Military Charges

It is familiar knowledge that the First Peace Conference was called primarily to "secure a possible reduction of the excessive

armaments which weigh upon all nations," and in the programme contained in the second Russian circular (January 11, 1899) one of the purposes was stated to be "to reach an understanding not to increase for a fixed period the present effective of the armed military and naval forces, and at the same time not to increase the budgets pertaining thereto, and a preliminary examination of the means by which a reduction might even be effected in the future in the forces and budgets above mentioned." The First Conference failed to agree upon a limitation or a restriction, but adopted unanimously the following resolution:

The Conference is of opinion that the restriction of military charges, which are at present a heavy burden on the world, is extremely desirable for the increase of the material and moral welfare of mankind.

The Second Conference was equally unprepared to limit armaments, to place a restriction upon military or naval forces, or to bind the nations not to increase the budgets pertaining thereto. It will be remembered that the United States reserved the right to bring the question to discussion, although as such it did not figure on the programme. Pursuant to this reservation, and instructions from the Secretary of State the American delegation insisted that the subject be discussed and in and out of Conference lent it support. By general agreement a resolution was introduced, supported in an address by the first British delegate and in a letter written by the first American delegate on behalf of the delegation. The following resolution was thereupon unanimously adopted.

The Second Peace Conference confirms the resolution adopted by the Conference of 1899 in regard to the limitation of military burdens; and in view of the fact that military burdens have considerably increased in nearly all countries since the said year, the Conference declares that it is highly desirable to see Governments take up again the serious study of that subject.

The Recommendations of the Conference

In addition to the conventions, declarations, and resolution, the Conference emitted five desires or *vœux*, the first of which is in the nature of a resolution. Of each of these in turn:

The Conference recommends to the signatory Powers the adoption of the project hereunto annexed, of a convention for the establishment of a court of arbitral justice and its putting in effect as soon as an accord shall be reached upon the choice of the judges and the constitution of the court.

An analysis of this paragraph shows that the establishment of the court is not the expression of a mere wish or desire on the part of the Conference, but that it is a recommendation to the Powers to undertake the establishment of the court. In the next place, the project of convention, annexed to the recommendation is not to be submitted as a plan or as a model, but for adoption as the organic act of the court. Again, the convention annexed and made a part of the recommendation goes forth not only with the approval of the Conference but as a solemn act adopted by it. And, finally, accepting the convention as the organic act, the Conference recommends that the court be definitely and permanently established by the Powers as soon as they shall have agreed upon a method of appointing the judges, who, when appointed, thus constitute the court. It will be noted that the number of Powers necessary to establish the court is not stated, nor is the number of judges determined. It follows, therefore, that the Powers wishing to establish the court are free to adopt the project of convention, agree upon the method of choosing the judges, and establish the court at The Hague for the trial of cases submitted by the contracting Powers.

The establishment of the court of arbitral justice would not interfere with the court of arbitration instituted by the Conference of 1899, and continued by the Conference of 1907, for this latter is a temporary tribunal, erected for a particular purpose, to decide as arbiters a controversy submitted. The court of arbitral justice, on the contrary, is meant to be a permanent court, composed of judges acting under a sense of judicial responsibility, representing the various legal systems of the world, and capable of assuring the continuity of arbitral jurisprudence (art. 1). The contracting Powers are free to appoint either a large or a small number of judges; but it is provided in Article 3 that the judges so appointed shall hold office for a period of twelve years and that they shall be chosen from among persons enjoying the highest moral consideration who meet the requirements for admission in their respective countries to the high magistracy, or who shall be jurists of recognized competency in matters of international law (art. 2).

From these provisions it is evident that the proposed institution is to be not merely in name but in fact a court of justice; that it is to be permanent in the sense that it does not need to be

constituted for any and every case submitted to it. It is obvious that such a court, acting under a sense of judicial responsibility, would decide, as a court, according to international law and equity, a question submitted to it, and that the idea of compromise hitherto so inseparable from arbitration, would be a stranger to this institution. The court is said to be permanent in the sense that it holds, as courts do, certain specified terms for the trial of cases. For example, Article 14 says:

> The Court assembles in session once a year. The session begins on the third Wednesday of June and lasts until the calendar shall have been exhausted.
>
> The Court does not assemble in session if the meeting is deemed unnecessary by the delegation. If, however, a Power is a party to a case actually pending before the court, the preliminary proceedings of which are completed or near completion, that Power has the right to demand that the session take place.
>
> The delegation may, in case of necessity, call an extraordinary session of the Court.

It was deemed inexpedient to have an empty court at The Hague, and it was felt that without a judicial committee capable of transacting the ordinary business that might be submitted permanency in the true sense of the word would be lacking, therefore it is provided by Article 6 of the project that:

> The Court designates, every year, three judges who constitute a special delegation and three others who are to take their places in case of disability. They may be reëlected. The vote is cast by blanket ballot. Those who obtain the larger number of votes are considered to be elected. The delegation elects its own president, who, failing a majority, is drawn by lot.
>
> A member of the delegation is barred from the exercise of his functions when the Power by which he was appointed and under whose jurisdiction he is one of the parties to the case.
>
> The members of the delegation bring to a conclusion the cases that may have been referred to therein, even though their term of office should have expired.

Taking the two articles together, it is apparent that the court as such is intended to be permanently in session at The Hague; that the judicial committee will attend to the smaller cases submitted, and that the full court will meet in ordinary or extraordinary session once a year or whenever the business before it would justify its assembling. The judges are intended to be permanent court officials and as such to receive stated salaries whether they are actively engaged at The Hague in

the trial of cases or not. The compensation is small (six thousand florins), but the honor is great. If, however, a judge sits as a trial judge at The Hague, his expenses to and from The Hague are paid according to the rate allowed in the home country for the traveling expenses of a judge in service, and in addition the judge is to receive the further sum of one hundred florins a day during his official service in the examination or trial of cases.

The first article speaks of a court free and easy of access. It is easy of access because it is permanent and has stated terms. It is free because no fees are paid for entrance, and it is likewise free in this sense: That the salaries of the judges are not paid by the litigating parties, but proportionately by the contracting Powers. The jurisdiction of the court is very wide; for example, "the court of arbitral justice is competent to decide all cases which are submitted to it by virtue of a general stipulation of arbitration or by a special agreement" (art. 17); that is to say, if there be a general treaty of arbitration designating the court of arbitral justice, the court is competent, if the cause of action be presented, to assume jurisdiction and to decide the case. It may be that parties to a controversy may submit the finding of a commission of inquiry to the court in order to have the legal responsibility established in an appropriate case, or it may be that parties to an arbitration may wish to have the case examined when on appeal or *de novo* by the court of arbitral justice. In such a case, by virtue of the special agreement of the parties litigant, the court is invested w'th jurisdiction.

It was not thought advisable to clothe the judicial committee with the jurisdiction of the full court, lest there be two competing institutions. The judicial committee is, however, expected to be a serviceable body, and its jurisdiction is commensurate with its dignity. For example, Article 18 provides:

> The delegation (art. 6) is competent:
>
> 1. To hear arbitration cases coming under the foregoing article, if the parties agree upon demanding the application of summary procedure as determined in Title IV, Ch. IV, of the Convention of July 29, 1899.
>
> 2. To institute an inquiry by virtue of and in conformity to Title III of the Convention of July 29, 1899, in so far as the delegation may have been charged with this duty by the litigants acting in common accord. With the assent of the parties and in derogation of Article 7, section 1, members of the delegation who took part in the inquiry may sit as judges if the dispute comes for arbitration before either the court or the delegation itself.

The judicial committee, therefore, is competent to sit as the court of summary proceeding in cases where parties litigant agree to make use of the summary proceeding of the revised convention. It is likewise competent to sit as a commission of inquiry; and as the commission of inquiry finds facts, there seems to be no reason why the members of the judicial committee may not sit as judges if the litigation is submitted to the full court or to the delegation.

Article 19 invests the judicial committee with the power to frame the special agreement—that is to say, the *compromis* provided for in Article 52 of the convention for the peaceful adjustment of international differences, already mentioned—unless there be an agreement or stipulation to the contrary.

The procedure of the court has not been neglected, but finds an appropriate place in the project of convention.

The establishment of the Permanent Court was proposed by the American delegation, was accepted in principle and loyally supported by the delegations of Germany and Great Britain, and the project actually framed and recommended by the Conference is the joint work of the American, German, and British delegations. It should be said, however, that the project could not have been adopted without the loyal and unstinted support of France.

From this brief exposition it is evident that the foundations of a Permanent Court have been broadly and firmly laid; that the organization, jurisdiction, and procedure have been drafted and recommended in the form of a code which the Powers or any number of them may accept and, by agreeing upon the appointment of judges, call into being a court at once permanent and international. A little time, a little patience, and the great work is accomplished.

The nature and purpose of the second and third *vœux* of the Conference can not well be expressed in more precise and apt terms than those used by the military delegate in his report of the proceedings of the second commission. The following paragraphs, therefore, are taken from such report:

> It has been seen that both the committee and the Conference finally rejected a proposition which had been prepared with a view to minimize the effects of war upon neutral commerce and in conformity with the tendencies of modern industry and trade, which demand for their development

and maintenance the widest markets and which are in the highest degree sensitive to the disturbing effects of war.

The German proposition, by protecting stocks of goods in the hands of neutral agents in belligerent territory from seizure or requisition, was calculated to give to neutral undertakings the broadest immunity from belligerent interference by restricting the burdens and operations of war to the belligerent States and their subjects. But the proposition so conceived and submitted was dismissed with the following expression of desire, which may be accepted as showing the importance which is attached to the development of modern industry and commerce by a majority of the Governments of the civilized world.

The Conference expresses the hope:

I. That in case of war the competent authorities, civil and military, should make it their special duty to assure and protect the commercial and industrial relations between the belligerent Powers and neutral States.

II. That the high (signatory) Powers should seek to establish in agreements with each other uniform contractual undertakings determining, in respect to military burdens, the relations of each State in respect to the strangers established in its territory.

The fourth *vœu* of the Conference is as follows:

4°. The Conference utters the wish that the elaboration of regulations relative to laws and customs of maritime warfare may figure in the programme of the next Conference, and that in any case the Powers apply, as far as possible, to maritime warfare the principles of the convention relative to the laws and customs of war on land.

Its adoption was due to the inability of the Conference to codify the law of maritime warfare as the Conference of 1899 had codified the laws and customs of war on land. The reasons for this failure need not be set forth, because the "desire" of the Conference is that the regulation of the laws and customs of maritime warfare be included in the programme of the Third Conference. The concluding portion of the desire is in the nature of a recommendation, namely, that the Powers apply as far as possible to naval warfare the principles of the laws and customs of warfare on land. It is likewise unnecessary to discuss this phrase, as it is not binding upon any Power so to do, and the measure of the application naturally depends upon the judgment of each of the Powers.

The final desire of the Conference is in the nature of a recommendation and is as follows:

Lastly, the Conference recommends to the Powers the holding of a third Peace Conference which might take place within a period similar to that

which has elapsed since the preceding Conference on a date to be set by joint agreement among the Powers, and it draws their attention to the necessity of preparing the labors of that Third Conference sufficiently in advance to have its deliberations follow their course with the requisite authority and speed.

In order to achieve that object the Conference thinks it would be very desirable that a preparatory committee be charged by the Governments, about two years before the probable date of the meeting, with the duty of collecting the various propositions to be brought before the Conference, to seek out the matters susceptible of an early international settlement, and to prepare a programme which the Governments should determine upon early enough to permit of its being thoroughly examined in each country. The committee should further be charged with the duty of proposing a mode of organization and procedure for the Conference itself.

The desire of the friends of progress is to have The Hague Conference a permanent institution, which meets at certain regular periods, automatically if possible, and beyond the control of any one Power. The American delegation was instructed to secure, if possible, this result, and through the efforts of the American delegation this result was reached in large measure. It is difficult, if not impossible, for one legislative body to bind its successor. It is doubly difficult for a quasi-legislative or diplomatic assembly to bind a succeeding assembly. It was therefore thought advisable not to attempt to fix the date absolutely, but to recommend that a Third Conference meet within or at about the period which has elapsed between the calling of the First and the assembling of the Second Conference, leaving the exact date to be fixed by the Powers.

Experience has shown that much time is lost not merely in organizing a conference, but in preparing and presenting the various projects. It is desirable that the projects be prepared in advance so that they may be presented, printed, and distributed at the opening of the session. This the Conference recommended. But to prepare the various propositions to be submitted to the Conference it is necessary to determine in advance, at least tentatively, the programme. The Conference therefore recommended that some two years before the probable date of the Conference a preparatory committee be charged by the various Governments to collect propositions, to ascertain the matters susceptible of international regulation, and to prepare the programme sufficiently in advance of the meeting that it

may be seriously and maturely considered by each Government intending to take part.

The wisdom of these provisions is so apparent that any justification of them seems unnecessary. The last clause, however, can not be passed in silence, as its importance is fundamental; for, in simple terms, it means that the Conference is not to be organized or the method of procedure determined by any single Power. In other words, the Conference, it would seem, is to be given over to itself. The committee of the Powers is charged with the duty of proposing a mode of organization and procedure for the Conference, and it can not be doubted that the committee, consisting of leading and representative Powers, will propose a mode of organization and procedure which will permit the Conference to organize itself and conduct its proceedings without requiring the guidance and direction of any particular Power. Its officers may be elected by the Conference, rather than appointed, and if so elected or selected by the Conference it is safe to assume that they will be not only in harmony with its purposes, but in full sympathy with the spirit of the Conference. In any case the recommendation is of the greatest importance, because it shows a unanimous desire on the part of the Powers present for the calling of a Third Conference, and it indicates in no uncertain terms that the Conference in becoming in the largest sense international is not to be under the control or predominance of any one nation.

Such is, in brief, the work of the Second International Peace Conference. It is believed that the various measures adopted by it and recommended to the favorable consideration of the Powers will meet with general approval. It is hoped that the reasons set forth, briefly, in the present report may justify the delegates in signing the various measures and that their action as a whole may meet with the approval of the Secretary of State.

We have the honor to be, sir, your obedient servants,

JOSEPH H. CHOATE, *Chairman.*
CHANDLER HALE, *Secretary.*

PROTOCOL

The Powers which have ratified the Convention for the peaceful settlement of international disputes, signed at The Hague, on July 29, 1899, desiring to enable the States that were not represented at the First Peace Conference and were invited to the Second to adhere to the aforesaid Convention, the undersigned delegates or diplomatic representatives of the above mentioned Powers, viz:

Germany, Austria-Hungary, Belgium, Bulgaria, China, Denmark, Spain, the United States of America, the United Mexican States, France, Great Britain, Greece, Italy, Japan, Luxembourg, Montenegro, Norway, the Netherlands, Persia, Portugal, Roumania, Russia, Servia, Siam, Sweden, Switzerland, and Turkey, duly authorized to that effect, have agreed that there shall be opened by the Minister of Foreign Affairs of the Netherlands, a procès-verbal of adhesion that shall serve to receive and record the said adhesions, which shall immediately go into effect. In witness whereof the present protocol was drawn up, in a single copy, which shall remain in deposit in the archives of the Ministry of Foreign Affairs of the Netherlands and of which an authenticated copy shall be transmitted to each one of the Signatory Powers.

Done at The Hague, June 14th, 1907.

Germany:
K. von Schölzer

Austria-Hungary:
G. de Mérey

Belgium:
Guillaume

Bulgaria:
Général-Major
Vinaroff

China:
Lou Tseng-Tsiang

Denmark:
C. Brun
C. F. Scheller
A. Vedel

Spain:
José de la Rica y Calvo

United States:
Joseph H. Choate
Horace Porter
U. M. Rose
David Jayne Hill
Wm. I. Buchanan
C. S. Sperry
Geo. B. Davis

Mexico:
Gonzalo A. Esteva
S. B. de Mier
F. L. de la Barra

France:
Léon Bourgeois

Great Britain:
Henry Howard

Greece:
Cléon Kizo Rangabé
Georges Streit

Italy:
G. Tornielli
G. Pompilj

Japan:
Keiroku Tsudzuki
Aimaro Sato

Luxembourg:
Eijschen
Count de Villers

Montenegro:
A. Nélidow
Martens
N. Tcharykow

Norway:
E. Hagerup

Netherlands:
W. D. de Beaufort

Persia:
Momtazos Saltaneh M. Samad Khan
Sadigh Ul Mulk M. Ahmed Khan

Portugal:
Comte de Sélir

Roumania:
A. Beldiman
Edg. Mavrocordato

Russia:
A. Nélidow
Martens
N. Tcharykow

Servia:
S. Grouïtch
M. Milovanovitch
M. Militchevitch

Siam:
Chatidej
Corragioni D'Orelli
Lg. Bhuvanarth

Sweden:
H. L. Hammarskjöld

Switzerland:
Carlin

Turkey:
H. Missak

PROCÈS-VERBAL OF ADHESION

There was signed in this city on the 14th of June, 1907, a protocol establishing, in respect to the Powers unrepresented at the First Peace Conference which have been invited to the the Second, the mode of adhesion to the Convention for the peaceful settlement of International Disputes, signed at The Hague, July 29, 1899.

Pursuant to the said protocol, the undersigned, Minister of Foreign Affairs for Her Majesty the Queen of the Netherlands, on this day opened the present procès-verbal intended to receive and furthermore to record, as they may be presented, the adhesions of the aforesaid Convention.

Done at The Hague, on the 25th of June, 1907, in a single copy, which shall remain in deposit in the archives of the Ministry of Foreign Affairs of the Netherlands and of which a duly certified copy shall be transmitted to each one of the Signatory Powers.

VAN TETS VAN GOUDRIAAN.

Successively adhered:

Argentine, June 15, 1907:
ROQUE SAENZ PENA
LUIS M. DRAGO
CARLOS RODRIGUEZ LARRETA

Brazil, June 15, 1907:
RUY BARBOSA

Bolivia, June 15, 1907:
CLAUDIO PINILLA
FERNANDO E. GUACHALLA

Chili, June 15, 1907:
DOMINGO GANA
AUGUSTO MATTE
CARLOS CONCHA

Colombia, June 15, 1907:
JORGE HOLGUIN
M. VARGAS
S. PEREZ TRIANA

Cuba, June 15, 1907:
ANTONIO S. DE BUSTAMANTE
GONZALO DE QUESADA
MANUEL SANGUILY

Gautemala, June 15, 1907:
JOSÉ TIBLE MACHADO

Haiti, June 15, 1907:
JEAN JOSEPH DALBEMAR
PIERRE HUDICOURT

Nicaragua, June 15, 1907:
CRISANTO MEDINA

Panama, June 15, 1907:
B. PORRAS

Paraguay, June 15, 1907:
E. MACHAÏN

Peru, June 15, 1907:
C. G. CANDAMO

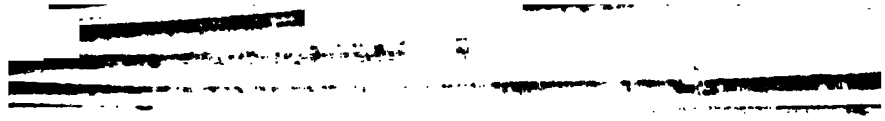
Dominican Republic, June 15, 1907:
APOLINAR TEJERA
DR. HENRIQUEZ Y CARVAJAL.

Venezuela, June 15, 1907:
J. G. FORTOUL

Uruguay, June 17, 1907:
JOSÉ BATILLE Y ORDONEZ
JUAN P. CASTRO

Salvador, June 20, 1907:
P. J. MATHEU
S. PEREZ TRIANA

Ecuador, July 3, 1907:
VICTOR RENDON
E. DORN Y DE ALSUA



TEXT OF THE SECOND PEACE CONFERENCE, 1907

LA CONFÉRENCE DE LA PAIX DE 1907

ACTE FINAL ET CONVENTIONS DE LA DEUXIÈME CONFÉRENCE INTERNATIONALE DE LA PAIX

ACTE FINAL

La Deuxième Conférence Internationale de la Paix, proposée d'abord par Monsieur le Président des États-Unis d'Amérique, ayant été, sur l'invitation de Sa Majesté l'Empereur de Toutes les Russies, convoquée par Sa Majesté la Reine des Pays-Bas, s'est réunie le 15 Juin 1907 à La Haye, dans la Salle des Chevaliers, avec la mission de donner un développement nouveau aux principes humanitaires qui ont servi de base à l'œuvre de la Première Conférence de 1899.

Les Puissances, dont l'énumération suit, ont pris part à la Conférence, pour laquelle Elles avaient désigné les Délégués nommés ci-après:

L'Allemagne

Son Exc. le Baron Marschall de Bieberstein, Ministre d'État, Ambassadeur Impérial à Constantinople, Premier Délégué Plénipotentiaire;

M. Kriege, Envoyé Impérial en Mission extraordinaire à la présente Conférence, Conseiller Intime de Légation et Jurisconsulte au Département des Affaires Étrangères, Membre de la Cour permanente d'Arbitrage, Second Délégué Plénipotentiaire;

M. le Contre-Amiral Siegel, Attaché Naval à l'Ambassade Impériale à Paris, Délégué de la Marine;

M. le Major-Général de Gündell, Quartier-Maître Supérieur du Grand État-major de l'Armée Royale de Prusse, Délégué militaire;

M. Zorn, Professeur à la Faculté de Droit de l'Université de

THE PEACE CONFERENCE OF 1907

FINAL ACT AND CONVENTIONS OF THE SECOND INTERNATIONAL PEACE CONFERENCE

THE FINAL ACT

The Second International Peace Conference, proposed in the first instance by the President of the United States of America, having been convoked, on the invitation of His Majesty the Emperor of All the Russias, by Her Majesty the Queen of the Netherlands, assembled on the 15th June, 1907, at The Hague, in the Hall of the Knights, for the purpose of giving a fresh development to the humanitarian principles which served as a basis for the work of the First Conference of 1899.

The following powers took part in the conference, and appointed the delegates named below:

GERMANY

His Excellency Baron Marschall de Bieberstein, Minister of State, Imperial Ambassador at Constantinople, First Delegate Plenipotentiary;

M. Kriege, Imperial Envoy on Extraordinary Mission at the present Conference, Privy Councilor of Legation and Legal Adviser to the Ministry for Foreign Affairs, Member of the Permanent Court of Arbitration, Second Delegate Plenipotentiary;

Rear-Admiral Siegel, Naval Attaché to the Imperial Embassy at Paris, Naval Delegate;

Major-General de Gündell, Quartermaster-General of the General Staff of the Royal Prussian Army, Military Delegate;

M. Zorn, Professor to the Faculty of Law at the University of

Bonn, Conseiller Intime de Justice, Membre de la Chambre des Seigneurs de Prusse, et Syndic de la Couronne, Délégué scientifique;

M. Göppert, Conseiller de Légation et Conseiller adjoint au Département des Affaires Étrangères, Délégué adjoint;

M. Retzmann, Capitaine-Lieutenant de l'État-major général de la Marine, Délégué adjoint de la Marine.

Les États-Unis d'Amérique

Son Exc. M. Joseph H. Choate, ancien Ambassadeur à Londres, Ambassadeur extraordinaire, Délégué Plénipotentiaire;

Son Exc. M. Horace Porter, ancien Ambassadeur à Paris, Ambassadeur extraordinaire, Délégué Plénipotentiaire;

Son Exc. M. Uriah M. Rose, Ambassadeur extraordinaire, Délégué Plénipotentiaire;

Son Exc. M. David Jayne Hill, ancien Sous-Secrétaire d'État des Affaires Étrangères, Envoyé extraordinaire et Ministre plénipotentiaire à La Haye, Délégué Plénipotentiaire;

M. le Contre-Amiral Charles S. Sperry, ancien Président de l'École de Guerre maritime, Ministre Plénipotentiaire, Délégué Plénipotentiaire;

M. le Général de Brigade George B. Davis, Chef de la Justice militaire de l'Armée des États-Unis, Ministre plénipotentiaire, Délégué Plénipotentiaire;

M. William I. Buchannan, ancien Ministre à Buenos Ayres, ancien Ministre au Panama, Ministre plénipotentiaire, Délégué Plénipotentiaire;

M. James Brown Scott, Jurisconsulte de Département d'État des Affaires Étrangéres, Délégué technique;

M. Charles Henry Butler, Rapporteur de la Cour Suprême, Délégué technique.

La République Argentine

Son Exc. M. Roque Saenz Peña, ancien Ministre des Affaires Étrangères, Envoyé extraordinaire et Ministre plénipotentiaire à Rome, Membre de la Cour permanente d'Arbitrage, Délégué Plénipotentiaire;

Bonn, Judicial Privy Councilor, Member of the Prussian Upper Chamber, and Crown Syndic, Scientific Delegate;

M. Göppert, Councilor of Legation and Councilor attached to the Department for Foreign Affairs, Assistant Delegate;

M. Retzmann, Lieutenant-Commander on the Naval General Staff, Assistant Naval Delegate.

United States of America

His Excellency Mr. Joseph H. Choate, ex-Ambassador at London, Ambassador Extraordinary, Delegate Plenipotentiary;

His Excellency Mr. Horace Porter, ex-Ambassador at Paris, Ambassador Extraordinary, Delegate Plenipotentiary;

His Excellency Mr. Uriah M. Rose, Ambassador Extraordinary, Delegate Plenipotentiary;

His Excellency Mr. David Jayne Hill, ex-Assistant Secretary of State, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary;

Rear-Admiral Charles S. Sperry, ex-President of the Naval War College, Minister Plenipotentiary, Delegate Plenipotentiary;

Brigadier-General George B. Davis, Judge Advocate General of the United States Army, Minister Plenipotentiary, Delegate Plenipotentiary;

Mr. William I. Buchanan, ex-Minister at Buenos Ayres, ex-Minister at Panama, Minister Plenipotentiary, Delegate Plenipotentiary;

Mr. James Brown Scott, Solicitor for the Department of State, Technical Delegate;

Mr. Charles Henry Butler, Reporter of the Supreme Court, Technical Delegate.

The Argentine Republic

His Excellency M. Roque Saenz Peña, ex-Minister for Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary at Rome, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;

Son Exc. M. Luis M. Drago, ancien Ministre des Affaires Étrangères, Député, Membre de la Cour permanente d'Arbitrage, Délégué Plénipotentiaire;

Son Exc. M. Carlos Rodriguez Larreta, ancien Ministre des Affaires Étrangères, Membre de la Cour permanente d'Arbitrage, Délégué Plénipotentiaire;

M. le Général Francisco Reynolds, Attaché militaire à Berlin, Délégué technique.

M. le Capitaine de vaisseau Juan A. Martin, ancien Ministre de la Marine, Attaché naval à Londres, Délégué technique.

L'Autriche-Hongrie

Son Exc. M. Gaëtan Mérey de Kapos-Mére, Conseiller intime de Sa Majesté Impériale et Royale Apostolique, Ambassadeur extraordinaire et plénipotentiaire, Premier Délégué Plénipotentiaire;

Son Exc. le Baron Charles de Macchio, Envoyé extraordinaire et Ministre plénipotentiaire à Athènes, Second Délégué Plénipotentiaire;

M. Henri Lammasch, Professeur à l'Université de Vienne, Conseiller aulique, Membre de la Chambre des Seigneurs du Reichsrath autrichien, Membre de la Cour permanente d'Arbitrage, Délégué scientifique;

M. Antoine Haus, Contre-Amiral, Délégué naval;

M. le Baron Wladimir Giesl de Gieslingen, Major-Général, Plénipotentiaire militaire à l'Ambassade Impériale et Royale à Constantinople et à la Légation Impériale et Royale à Athènes, Délégué militaire;

M. le Chevalier Othon de Weil, Conseiller aulique et ministériel au Ministère de la Maison Impériale et Royale et des Affaires Étrangères, Délégué;

M. Jules Szilassy de Szilas et Pilis, Conseiller de Légation, Délégué;

M. Emile Konek de Norwall, Lieutenant de Vaisseau de première classe, Délégué adjoint.

La Belgique

Son Exc. M. A. Beernaert, Ministre d'État, Membre de la Chambre des Représentants, Membre de l'Institut de France

His Excellency M. Luis M. Drago, ex-Minister for Foreign Affairs, Deputy, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;

His Excellency M. Carlos Rodriguez Larreta, ex-Minister for Foreign Affairs, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;

General Francisco Reynolds, Military Attaché at Berlin, Technical Delegate;

Captain Juan A. Martin, ex-Minister of Marine, Naval Attaché at London, Technical Delegate.

Austria-Hungary

His Excellency M. Gaëtan Mérey de Kapos-Mére, Privy Councilor of His Imperial and Royal Apostolic Majesty, Ambassador Extraordinary and Plenipotentiary, First Delegate Plenipotentiary;

His Excellency Baron Charles de Macchio, Envoy Extraordinary and Minister Plenipotentiary at Athens, Second Delegate Plenipotentiary;

M. Henri Lammasch, Professor at the University of Vienna, Aulic Councilor, Member of the Austrian Upper Chamber of the Reichsrath, Member of the Permanent Court of Arbitration, Scientific Delegate;

M. Antoine Hause, Rear-Admiral, Naval Delegate;

Baron Wladimir Giesl de Gieslingen, Major-General, Military Plenipotentiary at the Imperial and Royal Embassy at Constantinople and at the Imperial and Royal Legation at Athens, Military Delegate;

The Chevalier Othon de Weil, Aulic and Ministerial Councilor at the Ministry of the Imperial and Royal Household and of Foreign Affairs, Delegate;

M. Jules Szilassy de Szilas et Pilis, Councilor of Legation, Delegate;

M. Emile Konek de Norwall, Naval Lieutenant of the First Class, Assistant Delegate.

Belgium

His Excellency M. A. Beernaert, Minister of State, Member of the Chamber of Representatives, Member of the Institute of

et des Académies Royales de Belgique et de Roumanie, Membre d'honneur de l'Institut de Droit international, Membre de la Cour permanente d'Arbitrage, Délégué Plénipotentiaire;

Son Exc. M. J. van den Heuvel, Ministre d'État, ancien Ministre de la Jutsice, Délégué Plénipotentiaire;

Son Exc. le Baron Guillaume, Envoyé extraordinaire et Ministre plénipotentiaire à La Haye, Membre de l'Académie Royale de Roumanie, Délégué Plénipotentiaire.

La Bolivie

Son Exc. M. Claudio Pinilla, Ministre des Affaires Étrangères, Membre de la Cour permanente d'Arbitrage, Délégué Plénipotentiaire;

Son Exc. M. Fernando E. Guachalla, Ministre plénipotentiaire à Londres, Délégué Plénipotentiaire.

Le Brésil

Son Exc. M. Ruy Barbosa, Ambassadeur extraordinaire et plénipotentiaire, Vice-Président de Sénat, Membre de la Cour permanente d'Arbitrage, Délégué Plénipotentiaire;

Son Exc. M. Eduardo F. S. dos Santos Lisbôa, Envoyé extraordinaire et Ministre plénipotentiaire à La Haye, Délégué Plénipotentiaire;

M. le Colonel Roberto Trompowsky Leitão de Almeida, At-

France and of the Royal Academies of Belgium and Roumania, Honorary Member of the Institute of International Law, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;

His Excellency M. J. van den Heuvel, Minister of State, ex-Minister of Justice, Delegate Plenipotentiary;

His Excellency Baron Guillaume, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Member of the Royal Academy of Roumania, Delegate Plenipotentiary.

Bolivia

His Excellency M. Claudio Pinilla, Minister for Foreign Affairs, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;

His Excellency M. Fernando E. Guachalla, Minister Plenipotentiary at London, Delegate Plenipotentiary.

Brazil

His Excellency M. Ruy Barbosa, Ambassador Extraordinary and Plenipotentiary, Vice-President of the Senate, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;

His Excellency M. Eduardo F. S. dos Santos Lisbôa, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary;

Colonel Roberto Trompowsky Leitâo de Almeida, Military Attaché at The Hague, Technical Delegate;

Commander Tancredo Burlamaqui de Moura, Technical Delegate.

Bulgaria

Major General on the Staff Vrban Vinaroff, General *a la suite*, First Delegate Plenipotentiary;

M. Ivan Karandjouloff, Procureur-General of the Court of Cassation, Second Delegate Plenipotentiary;

Commander S. Dimitrieff, Chief of the Staff of the Bulgarian Flotilla, Delegate.

Le Chili

Son Exc. M. Domingo Gana, Envoyé extraordinaire et Ministre plénipotentiaire à Londres, Délégué Plénipotentiaire;

Son Exc. M. Augusto Matte, Envoyé extraordinaire et Ministre plénipotentiaire à Berlin, Délégué Plénipotentiaire;

Son Exc. M. Carlos Concha, ancien Ministre de la Guerre, ancien Président de la Chambre des Députés, ancien Envoyé extraordinaire et Ministre plénipotentiaire à Buenos-Ayres, Délégué Plénipotentiaire.

La Chine

Son Exc. M. Loo Tseng-Tsiang, Ambassadeur extraordinaire, Délégué Plénipotentiaire;

Son Exc. The Honourable John W. Foster, ancien Secrétaire d'État au Département des Affaires Étrangères des États-Unis d'Amérique, Délégué Plénipotentiaire;

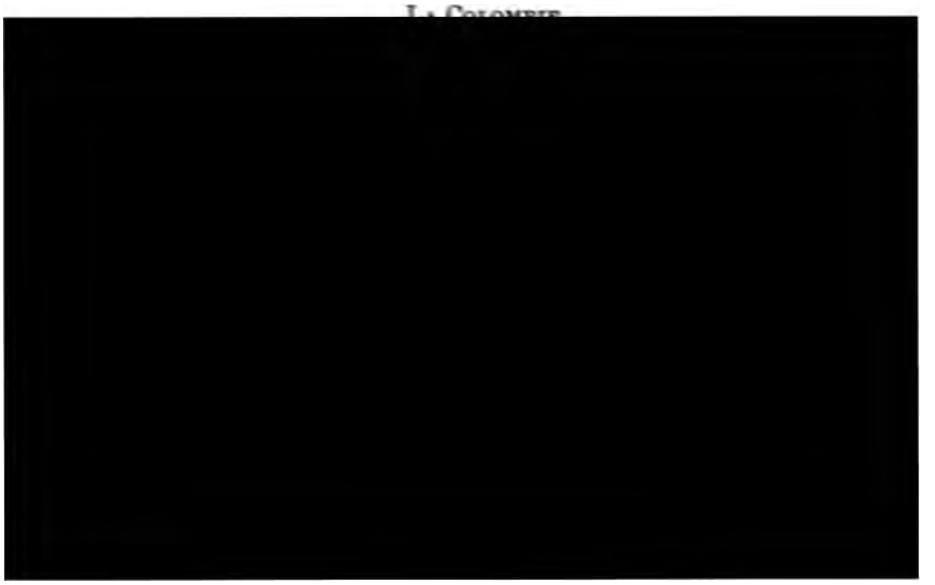
Son Exc. M. Tsien-Sun, Envoyé extraordinaire et Ministre plénipotentiaire à La Haye, Délégué Plénipotentiaire;

M. le Colonel W. S. Y. Tinge, Chef du Bureau de Justice militaire au Ministère de la Guerre, Délégué militaire;

M. Tchang Tching Tong, Secrétaire de Légation, Délégué adjoint;

M. Tchan-Hi-Tchieu, ancien Secrétaire de la Mission et de la Légation Impériale de Chine à Paris et à Rome, Délégué adjoint.

La Colombie



Chile

His Excellency M. Domingo Gana, Envoy Extraordinary and Minister Plenipotentiary at London, Delegate Plenipotentiary;

His Excellency M. Augusto Matte, Envoy Extraordinary and Minister Plenipotentiary at Berlin, Delegate Plenipotentiary;

His Excellency M. Carlos Concha, ex-Minister of War, ex-President of the Chamber of Deputies, ex-Envoy Extraordinary and Minister Plenipotentiary at Buenos Ayres, Delegate Plenipotentiary.

China

His Excellency M. Lou Tseng-Tsiang, Ambassador Extraordinary, Delegate Plenipotentiary;

His Excellency the Honorable John W. Foster, ex-Secretary of State of the United States of America, Delegate Plenipotentiary;

His Excellency M. Tsien-Sun, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary;

Colonel W. S. Y. Tinge, Judge Advocate General at the War Office, Military Delegate;

M. Tchang Tching Tong, Secretary of Legation, Assistant Delegate;

M. Tchao-Hi-Tchiou, ex-Secretary of the Imperial Chinese Mission and Legation at Paris and Rome, Assistant Delegate.

Colombia

General Jorge Holguin, Delegate Plenipotentiary;

M. Santiago Perez Triana, Delegate Plenipotentiary;

His Excellency General M. Vargas, Envoy Extraordinary and Minister Plenipotentiary at Paris, Delegate Plenipotentiary.

The Republic of Cuba

M. Antonio Sanchez de Bustamante, Professor of International Law at the University of Havana, Senator of the Republic, Delegate Plenipotentiary;

His Excellency M. Gonzalo de Quesada y Aróstegui, Envoy Extraordinary and Minister Plenipotentiary at Washington, Delegate Plenipotentiary;

M. Manuel Sanguily, ancien Directeur de l'Institut d'enseignement secondaire de la Havane, Sénateur de la République, Délégué Plénipotentiaire.

Le Danemark

Son Exc. M. C. Brun, Envoyé extraordinaire et Ministre plénipotentiaire à Washington, Premier Délégué Plénipotentiaire;

M. le Contre-Amiral C. F. Scheller, Deuxième Délégué Plénipotentiaire;

M. A. Vedel, Chambellan, Chef de Section au Ministère Royal des Affaires Étrangères, Troisième Délégué Plénipotentiaire.

La République Dominicaine

M. Francisco Henriquez i Carvajal, ancien Ministre des Affaires Étrangères, Membre de la Cour permanente d'Arbitrage, Délégué Plénipotentiaire;

M. Apolinar Tejera, Recteur de l'Institut Professionnel de Saint Domingue, Membre de la Cour permanente d'Arbitrage, Délégué Plénipotentiaire.

La République de l'Equateur

Son Exc. M. Victor Rendón, Envoyé extraordinaire et Ministre plénipotentiaire à Paris et à Madrid, Délégué Pléni-



M. Manuel Sanguily, ex-Director of the Institute of Secondary Education at Havana, Senator of the Republic, Delegate Plenipotentiary.

Denmark

His Excellency M. C. Brun, Envoy Extraordinary and Minister Plenipotentiary at Washington, First Delegate Plenipotentiary;

Rear-Admiral C. F. Scheller, Second Delegate Plenipotentiary;

M. A. Vedel, Chamberlain, Head of Department at the Royal Ministry for Foreign Affairs, Third Delegate Plenipotentiary.

The Dominican Republic

M. Francisco Henriquez i Carvajal, ex-Minister for Foreign Affairs, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;

M. Apolinar Tejera, Rector of the Professional Institute of Santo Domingo, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary.

The Republic of Ecuador

His Excellency M. Victor Rendón, Envoy Extraordinary and Minister Plenipotentiary at Paris and Madrid, Delegate Plenipotentiary;

M. Enrique Dorn y de Alsúa, Chargé d'Affaires, Delegate Plenipotentiary.

Spain

His Excellency M. W. R. de Villa-Urrutia, Senator, ex-Minister for Foreign Affairs , Ambassador Extraordinary and Plenipotentiary at London, First Delegate Plenipotentiary;

His Excellency M. José de la Rica y Calvo, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary;

M. Gabriel Maura y Gamazo, Count de la Mortera, Deputy to the Cortes, Delegate Plenipotentiary;

M. J. Jofre Montojo, Colonel d'État Major, Aid de Camp du Ministre de la Guerre, Délégué adjoint militaire;

M. le Capitaine de Vaisseau Francisco Chacon, Délégué adjoint naval.

La France

Son Exc. M. Léon Bourgeois, Ambassadeur extraordinaire, Sénateur, ancien Président du Conseil, ancien Ministre des Affaires Étrangères, Membre de la Cour permanente d'Arbitrage, Délégué, premier Plénipotentiaire;

M. le Baron d'Estournelles de Constant, Sénateur, Ministre plénipotentiaire de première Classe, Membre de la Cour permanente d'Arbitrage, Délégué, deuxième Plénipotentiaire;

M. Louis Renault, Professeur à la Faculté de Droit de Paris, Ministre plénipotentiaire honoraire, Jurisconsulte du Ministère des Affaires Étrangères, Membre de l'Institut, Membre de la Cour permanente d'Arbitrage, Délégué, troisième Plénipotentiaire;

Son Exc. M. Marcellin Pellet, Envoyé extraordinaire et Ministre plénipotentiaire à La Haye, Délégué, quatrième Plénipotentiaire;

M. le Général de Division Amourel, Délégué militaire;

M. le Contre-Amiral Arago, Délégué de la Marine;

M. Fromageot, Avocat à la Cour d'Appel de Paris, Délégué technique;

M. le Capitaine de Vaisseau Lacaze, deuxième Délégué de la Marine;

M. le Lieutenant-Colonel Siben, Attaché militaire à Bruxelles et à La Haye, deuxième Délégué militaire.

La Grande-Bretagne

Son Exc. The Right Honourable Sir Edward Fry, G. C. B., Membre du Conseil privé, Ambassadeur extraordinaire, Membre de la Cour permanente d'Arbitrage, Délégué Plénipotentiaire;

Son Exc. The Right Honourable Sir Ernest Mason Satow, G. C. M. G., Membre du Conseil privé, Membre de la Cour permanente d'Arbitrage, Délégué Plénipotentiaire;

M. J. Jofre Montojo, Colonel on the Staff, Aide-de-Camp to the Minister of War, Assistant Military Delegate;

Captain Francisco Chacon, Assistant Naval Delegate.

France

His Excellency M. Léon Bourgeois, Ambassador Extraordinary, Senator, ex-President of the Council, ex-Minister for Foreign Affairs, Member of the Permanent Court of Arbitration, Delegate, First Plenipotentary;

Baron d'Estournelles de Constant, Senator, Minister Plenipotentiary of the First Class, Member of the Permanent Court of Arbitration, Delegate, Second Plenipotentiary;

M. Louis Renault, Professor in the Faculty of Law at Paris, Honorary Minister Plenipotentiary, Legal Adviser to the Ministry for Foreign Affairs, Member of the Institute, Member of the Permanent Court of Arbitration, Delegate, Third Plenipotentiary;

His Excellency M. Marcellin Pellet, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate, Fourth Plenipotentiary;

General of Division Amourel, Military Delegate;

Rear-Admiral Arago, Naval Delegate;

M. Fromageot, Advocate at the Court of Appeal at Paris, Technical Delegate;

Captain Lacaze, Second Naval Delegate;

Lieutenant-Colonel Siben, Military Attaché at Brussels and The Hague, Second Military Delegate.

Great Britain

His Excellency the Right Honorable Sir Edward Fry, G. C. B., Member of the Privy Council, Ambassador Extraordinary, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;

His Excellency the Right Honorable Sir Ernest Mason Satow, G. C. M. G., Member of the Privy Council, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;

Son Exc. The Right Honourable Lord Reay, G. C. S. I., G. C. I. E., Membre du Conseil privé, ancien Président de l'Institut de Droit international, Délégué Plénipotentiaire;

Son Exc. Sir Henry Howard, K. C. M. G., C. B., Envoyé extraordinaire et Ministre plénipotentiaire à La Haye, Délégué Plénipotentiaire;

M. le Général de Division Sir Edmond R. Elles, G. C. I. E., K. C. B., Délégué militaire;

M. le Capitaine de Vaisseau C. L. Ottley. M. V. O., R. N., A. D. C., Délégué naval;

M. Eyre Crowe, Conseiller d'Ambassade, Délégué technique, premier Secrétaire de la Délégation;

M. Cecil Hurst, Conseiller d'Ambassade, Délégué technique, Conseiller légal de la Délégation;

M. le Lieutenant-Colonel, The Honourable Henry Yarde-Buller, D. S. O., Attaché militaire à La Haye, Délégué technique;

M. le Capitaine de Frégate J. R. Segrave, R. N., Délégué technique;

M. le Commandant George K. Cockerill, Chef de Section a l'État-Major de l'Armée, Délégué technique.

La Grèce

Son Exc. M. Cléon Rizo Rangabé, Envoyé extraordinaire et Ministre plénipotentiaire à Berlin, Premier Délégué Plénipotentiaire;

M. Georges Streit, Professeur de Droit International à l'Université d'Athènes, Membre de la Cour permanente d'Arbitrage, Second Délégué Plénipotentiaire;

M. le Colonel d'artillerie C. Sapountzakis, Chef de l'État-Major Général, Délégué technique.

Le Guatémala

M. José Tible Machado, Chargé d'Affaires à La Haye et à Londres, Membre de la Cour permanente d'Arbitrage, Délégué Plénipotentiaire;

M. Enrique Gomez Carrillo, Chargé d'Affaires à Berlin, Délégué Plénipotentiaire.

His Excellency the Right Honorable Lord Reay, G. C. S. I., G. C. I. E., Member of the Privy Council, ex-President of the Institute of International Law, Delegate Plenipotentiary;

His Excellency Sir Henry Howard, K. C. M. G., C. B., Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary;

Lieutenant-General, Sir Edmond R. Elles, G. C. I. E., K. C. B., Military Delegate;

Captain C. L. Ottley, M. V. O., R. N., A. D. C., Naval Delegate;

Mr. Eyre Crowe, Councilor of Embassy, Technical Delegate, First Secretary to the Delegation;

Mr. Cecil Hurst, Councilor of Embassy, Technical Delegate, Legal Adviser to the Delegation;

Lieutenant-Colonel the Honorable Henry Yarde-Buller, D. S. O., Military Attaché at The Hague, Technical Delegate;

Commander J. R. Segrave, R. N., Technical Delegate;

Major George K. Cockerill, General Staff, Technical Delegate.

Greece

His Excellency M. Cléon Rizo Rangabé, Envoy Extraordinary and Minister Plenipotentiary at Berlin, First Delegate Plenipotentiary;

M. Georges Streit, Professor of International Law at the University of Athens, Member of the Permanent Court of Arbitration, Second Delegate Plenipotentiary;

Colonel of Artillery C. Sapountzakis, Chief of the General Staff, Technical Delegate.

Guatemala

M. José Tible Machado, Chargé d'Affaires at The Hague and London, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;

M. Enrique Gomez Carrillo, Chargé d'Affaires at Berlin, Delegate Plenipotentiary.

La République d'Haïti

Son Exc. M. Jean Joseph Dalbémar, Envoyé extraordinaire et Ministre plénipotentiaire à Paris, Délégué Plénipotentiaire;

Son Exc. M. J. N. Léger, Envoyé extraordinaire et Ministre plénipotentiaire à Washington, Délégué Plénipotentiaire;

M. Pierre Hudicourt, ancien Professeur de Droit International Public, Avocat du Barreau de Port-au-Prince, Délégué Plénipotentiaire.

L'Italie

Son Exc. le Comte Joseph Tornielli Brusati di Vergano, Sénateur du Royaume, Ambassadeur de Sa Majesté le Roi à Paris, Membre de la Cour permanente d'Arbitrage, Président de la Délégation Italienne, Délégué Plénipotentiaire;

Son Exc. M. Guido Pompilj, Député au Parlement, Sous-Secrétaire d'État au Ministère Royal des Affaires Étrangères, Délégué Plénipotentiaire;

M. Guido Fusinato, Conseiller d'État, Député au Parlement, ancien Ministre de l'Instruction, Délégué Plénipotentiaire;

M. Marius Nicolis de Robilant, Général de Brigade, Délégué technique;

M. François Castiglia, Capitaine de Vaisseau, Délégué technique.

Le Japon

Son Exc. M. Keiroku Tsudzuki, Ambassadeur extraordinaire et plénipotentiaire, premier Délégué Plénipotentiaire;

Son Exc. M. Aimaro Sato, Envoyé extraordinaire et Ministre plénipotentiaire à La Haye, second Délégué Plénipotentiaire;

M. Henry Willard Denison, Jurisconsulte du Ministère Impérial des Affaires Étrangères, Membre de la Cour permanente d'Arbitrage, Délégué technique;

M. le Major-Général Yoshifuru Akiyama, Inspecteur de la Cavalerie, Délégué technique;

M. le Contre-Amiral Hayao Shimamura, Président de l'École de la Marine à Etajima, Délégué technique.

The Republic of Haiti

His Excellency M. Jean Joseph Dalbémar, Envoy Extraordinary and Minister Plenipotentiary at Paris, Delegate Plenipotentiary;

His Excellency M. J. N. Léger, Envoy Extraordinary and Minister Plenipotentiary at Washington, Delegate Plenipotentiary;

M. Pierre Hudicourt, ex-Professor of International Public Law, Advocate at the Bar of Port-au-Prince, Delegate Plenipotentiary.

Italy

His Excellency Count Joseph Tornielli Brusati di Vergano, Senator of the Kingdom, Ambassador of His Majesty the King at Paris, Member of the Permanent Court of Arbitration, President of the Italian delegation, Delegate Plenipotentiary;

His Excellency M. Guido Pompilj, Parliamentary Deputy, Under-Secretary of State at the Royal Ministry for Foreign Affairs, Delegate Plenipotentiary;

M. Guido Fusinato, Councilor of State, Parliamentary Deputy, ex-Minister of Education, Delegate Plenipotentiary;

M. Marius Nicolis de Robilant, General of Brigade, Technical Delegate;

M. Francois Castiglia, Captain in the Navy, Technical Delegate.

Japan

His Excellency M. Keiroku Tsudzuki, Ambassador Extraordinary and Plenipotentiary, First Delegate Plenipotentiary;

His Excellency M. Aimaro Sato, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Second Delegate Plenipotentiary;

M. Henry Willard Denison, Legal Adviser to the Imperial Ministry for Foreign Affairs, Member of the Permanent Court of Arbitration, Technical Delegate;

Major-General Yoshifuru Akiyama, Inspector of Cavalry, Technical Delegate;

Rear Admiral Hayao Shimamura, President of the Naval College at Etajima, Technical Delegate.

Le Luxembourg

Son Exc. M. Eyschen, Ministre d'État, Président du Gouvernement Grand-Ducal, Délégué Plénipotentiaire;

M. le Comte de Villers, Chargé d'Affaires à Berlin, Délégué Plénipotentiaire.

Le Mexique

Son Exc. M. Gonzalo A. Esteva, Envoyé extraordinaire et Ministre plénipotentiaire à Rome, premier Délégué Plénipotentiaire;

Son Exc. M. Sebastian B. de Mier, Envoyé extraordinaire et Ministre plénipotentiaire à Paris, deuxiéme Délégué Plénipotentiaire;

Son Exc. M. Francisco L. de la Barra Envoyé extraordinaire et Ministre plénipotentiaire à Bruxelles et à La Haye, troisième Délégué Plénipotentiaire.

Le Monténégro

Son Exc. M. Nelidow, Conseiller Privé Actuel, Ambassadeur de Russie à Paris, Délégué Plénipotentiaire;

Son Exc. M. de Martens, Conseiller Privé, Membre permanente du Conseil du Ministère Impérial des Affaires Étrangères de Russie, Délégué Plénipotentiaire;

Son Exc. M. Tcharykow, Conseiller d'État Actuel, Chambellan, Envoyé extraordinaire et Ministre plénipotentiaire de Russie à La Haye, Délégué Plénipotentiaire.

Le Nicaragua

Son Exc. M. Crisanto Medina, Envoyé extraordinaire et Ministre plénipotentiaire à Paris, Délégué Plénipotentiaire.

La Norvège

Son Exc. M. Francis Hagerup, ancien Président du Conseil, ancien Professeur de Droit, Membre de la Cour permanente d'Arbitrage, Envoyé extraordinaire et Ministre plénipotentiaire à La Haye, et à Copenhague, Délégué Plénipotentiaire;

M. Joachim Grieg, Armateur et Député, Délégué technique;

LUXEMBURG

His Excellency M. Eyschen, Minister of State, President of the Grand-Ducal Government, Delegate Plenipotentiary;

Count de Villers, Chargé d'Affaires at Berlin, Delegate Plenipotentiary.

MEXICO

His Excellency M. Gonzalo A. Esteva, Envoy Extraordinary and Minister Plenipotentiary at Rome, First Delegate Plenipotentiary;

His Excellency M. Sebastian B. de Mier, Envoy Extraordinary and Minister Plenipotentiary at Paris, Second Delegate Plenipotentiary;

His Excellency M. Francisco L. de la Barra, Envoy Extraordinary and Minister Plenipotentiary at Brussels and at The Hague, Third Delegate Plenipotentiary.

MONTENEGRO

His Excellency M. Nélidow, Privy Councilor, Russian Ambassador at Paris, Delegate Plenipotentiary;

His Excellency M. de Martens, Privy Councilor, Permanent Member of the Council of the Imperial Russian Ministry for Foreign Affairs, Delegate Plenipotentiary;

His Excellency M. Tcharykow, Councilor of State, Chamberlain, Envoy Extraordinary and Minister Plenipotentiary of Russia at The Hague, Delegate Plenipotentiary.

NICARAGUA

His Excellency M. Crisanto Medina, Envoy Extraordinary and Minister Plenipotentiary at Paris, Delegate Plenipotentiary.

NORWAY

His Excellency M. Francis Hagerup, ex-President of the Council, ex-Professor of Law, Member of the Permanent Court of Arbitration, Envoy Extraordinary and Minister Plenipotentiary at The Hague and Copenhagen, Delegate Plenipotentiary;

M. Joachim Grieg, Shipowner and Deputy, Technical Delegate;

M. Christian Louis Lange. Secrétaire du Comité Nobel du Storting Norvégien. Délégué technique.

Le Panama

M. [illegible]. Délégué Plénipotentiaire.

Le Paraguay

Son Exc. M. Eusebio Machain. Envoyé extraordinaire et Ministre plénipotentiaire à Paris. Délégué Plénipotentiaire.

Les Pays-Bas

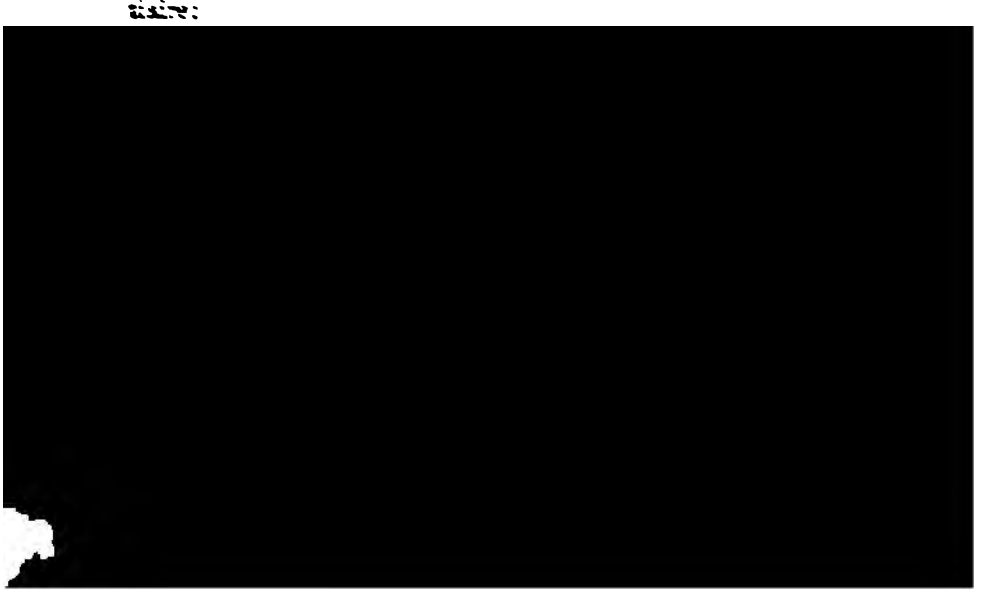
M. W. H. de Beaufort, ancien Ministre des Affaires Étrangères. Membre de la Seconde Chambre des États-Généraux, Délégué Plénipotentiaire;

Son Exc. M. T. M. C. Asser. Ministre d'État, Membre du Conseil d'État. Membre de la Cour permanente d'Arbitrage, Délégué Plénipotentiaire;

Son Exc. le Jonkheer J. C. C. Den Beer Poortugael, Lieutenant-Général en retraite, ancien Ministre de la Guerre, Membre du Conseil d'État. Délégué Plénipotentiaire;

Son Exc. le Jonkheer J. A. Röell. Aide-de-Camp de Sa Majesté la Reine en service extraordinaire. Vice-Amiral en retraite, ancien Ministre de la Marine. Délégué Plénipotentiaire;

M. J. A. Loeff, ancien Ministre de la Justice, Membre de la Seconde Chambre des États-Généreaux. Délégué Plénipotentiaire;



M. Christian Lous Lange, Secretary to the Nobel Committee of the Norwegian Storthing, Technical Delegate.

PANAMA

M. Belisario Porras, Delegate Plenipotentiary.

PARAGUAY

His Excellency M. Eusebio Machain, Envoy Extraordinary and Minister Plenipotentiary at Paris, Delegate Plenipotentiary.

THE NETHERLANDS

M. W. H. de Beaufort, ex-Minister for Foreign Affairs, Member of the Second Chamber of the States-General, Delegate Plenipotentiary;

His Excellency M. T. M. C. Asser, Minister of State, Member of the Council of State, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;

His Excellency Jonkheer J. C. C. Den Beer Poortugael, Lieutenant-General on the retired list, ex-Minister of War, Member of the Council of State, Delegate Plenipotentiary;

His Excellency Jonkheer J. A. Röell, Aide-de-Camp to Her Majesty the Queen in Extraordinary Service, Vice-Admiral on the retired list, ex-Minister of Marine, Delegate Plenipotentiary;

M. J. A. Loeff, ex-Minister of Justice, Member of the Second Chamber of the States-General, Delegate Plenipotentiary;

M. H. L. van Oordt, Lieutenant-Colonel on the Staff, Professor at the Higher Military College, Technical Delegate;

M. Jonkheer W. J. M. van Eysinga, Head of the Political Section at the Ministry for Foreign Affairs, Assistant Delegate;

M. Jonkheer H. A. van Karnebeek, Gentleman of the Chamber, Assistant Head of Department of the Colonial Office, Assistant Delegate;

M. H. G. Surie, Naval Lieutenant of the First Class, Technical Delegate.

PERU

His Excellency M. Carlos G. Candamo, Envoy Extraordinary and Minister Plenipotentiary at Paris and London, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;

M. Gustavo de la Fuente, Premier Secrétaire de Légation à Paris, Délégué adjoint.

La Perse

Son Exc. Samad Khan Momtas-es-Saltaneh, Envoyé extraordinaire et Ministre plénipotentiaire à Paris, Membre de la Cour permanente d'Arbitrage Délégué, premier Plénipotentiaire;

Son Exc. Mirza Ahmed Kahn Sadig ul Mulk, Envoyé extraordinaire et Ministre plénipotentiaire à La Haye, Délégué Plénipotentiaire;

M. Hennebicq, Jurisconsulte de Ministère des Affaires Étrangères à Téhéran, Délégué technique.

Le Portugal

Son Exc. Marquis de Soveral, Conseiller d'État, Pair du Royaume, ancien Ministre des Affaires Étrangères, Envoyé extraordinaire et Ministre plénipotentiaire à Londres, Ambassadeur extraordinaire et plénipotentiaire, Délégué Plénipotentiaire;

Son Exc. le Comte de Sélir, Envoyé extraordinaire et Ministre plénipotentiaire à La Haye, Délégué Plénipotentiaire;

Son Exc. M. Alberto d'Oliveira, Envoyé extraordinaire et Ministre plénipotentiaire à Berne, Délégué Plénipotentiaire;

M. le Lieutenant-Colonel d'État-Major Thomaz Antonio Garcia Rosado, Délégué technique;

M. Guilherme Ivens Ferraz, Capitaine-Lieutenant de la Marine, Délégué technique.

La Roumaine

Son Exc. M. Alexandre Beldiman, Envoyé extraordinaire et Ministre plénipotentiaire à Berlin, premier Délégué Plénipotentiaire;

Son Exc. M. Edgard Mavrocordato, Envoyé extraordinaire et Ministre plénipotentiaire à La Haye, second Délégué Plénipotentiaire;

M. le Capitaine Alexandre Sturdza, du Grand État-major, Délégué technique.

M. Gustavo de la Fuente, First Secretary of Legation at Paris, Assistant Delegate.

PERSIA

His Excellency Samad Khan Momtas-es-Saltaneh, Envoy Extraordinary and Minister Plenipotentiary at Paris, Member of the Permanent Court of Arbitration, Delegate, First Plenipotentiary;

His Excellency Mirza Ahmed Khan Sadig ul Mulk, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary;

M. Hennebicq, Legal Adviser to the Ministry for Foreign Affairs at Teheran, Technical Delegate.

PORTUGAL

His Excellency the Marquis de Soveral, Councilor of State, Peer of the Realm, ex-Minister for Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary at London, Ambassador Extraordinary and Plenipotentiary, Delegate Plenipotentiary;

His Excellency Count de Sélir, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary;

His Excellency M. Alberto d'Oliveira, Envoy Extraordinary and Minister Plenipotentiary at Berne, Delegate Plenipotentiary;

Lieutenant-Colonel Thomaz Antonio Garcia Rosado, General Staff, Technical Delegate;

M. Guilherme Ivens Ferraz, Lieutenant-Commander in the Navy, Technical Delegate.

ROUMANIA

His Excellency M. Alexandre Beldiman, Envoy Extraordinary and Minister Plenipotentiary at Berlin, First Delegate Plenipotentiary;

His Excellency M. Edgard Mavrocordato, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Second Delegate Plenipotentiary;

Captain Alexandre Sturdza, General Staff, Technical Delegate.

La Russie

Son Exc. M. Nélidow, Conseiller Privé Actuel, Ambassadeur de Russie à Paris, Délégué Plénipotentiaire;

Son Exc. M. de Martens, Conseiller Privé, Membre permanent du Conseil du Ministère Impérial des Affaires Étrangères, Membre de la Cour permanente d'Arbitrage, Délégué Plénipotentiaire;

Son Exc. M. Tcharykow, Conseiller d'État Actuel, Chambellan, Envoyé extraordinaire et Ministre plénipotentiaire à La Haye, Délégué Plénipotentiaire;

M. Prozor, Conseiller d'État Actuel, Chambellan, Ministre de Russie à Rio-Janeiro, Délégué technique;

M. le Major-Général Yermolow, Attaché militaire à Londres, Délégué technique;

M. le Colonel Michelson, Attaché militaire à Berlin, Délégué technique;

M. le Capitaine de Vaisseau Behr, Attaché naval à Londres, Délégué technique;

M. le Colonel de l'Amirauté Ovtchinnikow, Professeur de Droit international à l'Académie de la Marine, Délégué technique.

Le Salvador

M. Pedro J. Matheu, Chargé d'Affaires à Paris, Membre de la Cour permanente d'Arbitrage, Délégué Plénipotentiaire;

M. Santiago Perez Triana, Chargé d'Affaires à Londres, Membre de la Cour permanente d'Arbitrage, Délégué Plénipotentiaire.

La Serbie

Son Exc. le Général Sava Grouïtch, Président du Conseil d'État, Délégué Plénipotentiaire;

Son Exc. M. Milovan Milovanovitch, Envoyé extraordinaire et Ministre plénipotentiaire à Rome, Membre de la Cour permanente d'Arbitrage, Délégué Plénipotentiaire;

Son Exc. M. Michel Militchévitch, Envoyé extraordinaire et Ministre plénipotentiaire à Londres et à La Haye, Délégué Plénipotentiaire.

Russia

ellency M. Nélidow, Privy Councilor, Russian Am-
t Paris, Delegate Plenipotentiary;
ellency M. de Martens, Privy Councilor, Permanent
f the Council of the Imperial Ministry for Foreign
ember of the Permanent Court of Arbitration, Dele-
potentiary;
ellency M. Tcharykow, Councilor of State, Chamber-
y Extraordinary and Minister Plenipotentiary at The
legate Plenipotentiary;
or, Councilor of State, Chamberlain, Russian Minister
Janeiro, Technical Delegate;
eneral Yermolow, Military Attaché at London,
Delegate;
Michelson, Military Attaché at Berlin, Technical

Behr, Naval Attaché at London, Technical Dele-

Ovtchinnikow, of the Admiralty, Professor of Inter-
aw at the Naval Academy, Technical Delegate.

Salvador

ro J. Matheu, Chargé d'Affaires at Paris, Member of
anent Court of Arbitration, Delegate Plenipotentiary·
iago Perec Triana, Chargé d'Affaires at London, Mem-
e Permanent Court of Arbitration, Delegate Plenipo-

Servia

His Excellency General Sava Grouïtch, President of the Council of State, Delegate Plenipotentiary;

His Excellency M. Milovan Milovanovitch, Envoy Extraordinary and Minister Plenipotentiary at Rome, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;

His Excellency M. Michel Militchévitch, Envoy Extraordinary and Minister Plenipotentiary at London and The Hague, Delegate Plenipotentiary.

Le Siam

M. le Major-Général Mom Chatidej Udom, Délégué Plénipotentiaire;

M. Corragioni d'Orelli, Conseiller de Légation à Paris, Délégué Plénipotentiaire;

M. le Capitaine Luang Bhuvanarth Narübal, Délégué Plénipotentiaire.

La Suede

Son Exc. M. Knut Hjalmar Leonard de Hammarskjöld, Envoyé extraordinaire et Ministre plénipotentiaire à Copenhague, ancien Ministre de la Justice, Membre de la Cour permanente d'Arbitrage, premier Délégué Plénipotentiaire;

M. Johannes Hellner, ancien Ministre sans Portefeuille, ancien Membre de la Cour Suprême de Suède, Membre de la Cour permanente d'Arbitrage, second Délégué Plénipotentiaire;

M. le Colonel David Hedengren, Chef d'un régiment d'artillerie, Délégué technique;

M. Gustaf de Klint, Capitaine de Frégate, Chef de Section à l'État-major de la Marine Royale, Délégué technique.

La Suisse

Son Exc. M. Gaston Carlin, Envoyé extraordinaire et Ministre plénipotentiaire à Londres et à La Haye, Délégué Plénipotentiaire;

M. Eugène Borel, Colonel d'État-Major Général, Professeur à l'Université de Genève, Délégué Plénipotentiaire;

M. Max Huber, Professeur de Droit à l'Université de Zürich, Délégué Plénipotentiaire.

La Turquie

Son Exc. Turkhan Pacha, Ambassadeur extraordinaire, Ministre de l'Evkaf, premier Délégué Plénipotentiaire;

Son Exc. Réchid Bey, Ambassadeur de Turquie à Rome, Délégué Plénipotentiaire;

Son Exc. le Vice-Amiral Mehemmed Pacha, Délégué Plénipotentiaire;

Raïf Bey, Conseiller légiste de la Liste Civile, Délégué adjoint;

Le Colonel d'État-Major Mehemmed Saïd Bey, Délégué adjoint.

SIAM

Major-General Mom Chatidej Udom, Delegate Plenipotentiary;

M. Corragioni d'Orelli, Councilor of Legation at Paris, Delegate Plenipotentiary;

Captain Luang Bhuvanarth Narübal, Delegate Plenipotentiary.

SWEDEN

His Excellency M. Knut Hjalmar Leonard de Hammarskjöld, Envoy Extraordinary and Minister Plenipotentiary at Copenhagen, ex-Minister of Justice, Member of the Permanent Court of Arbitration, First Delegate Plenipotentiary;

M. Johannes Hellner, ex-Minister without Portfolio, ex-Member of the Supreme Court of Sweden, Member of the Permanent Court of Arbitration, Second Delegate Plenipotentiary;

Colonel David Hedengren, Commanding a Regiment of Artillery, Technical Delegate;

Commander Gustaf de Klint, Head of a Section on the Staff of the Royal Navy, Technical Delegate.

SWITZERLAND

His Excellency M. Gaston Carlin, Envoy Extraordinary and Minister Plenipotentiary at London and The Hague, Delegate Plenipotentiary;

M. Eugène Borel, Colonel on the General Staff, Professor at the University of Geneva, Delegate Plenipotentiary;

M. Max Huber, Professor of Law at the University of Zurich, Delegate Plenipotentiary.

TURKEY

His Excellency Turkhan Pasha, Ambassador Extraordinary, Minister of the Evkaf, First Delegate Plenipotentiary;

His Excellency Réchid Bey, Turkish Ambassador at Rome, Delegate Plenipotentiary;

His Excellency Vice-Admiral Mehemmed Pasha, Delegate Plenipotentiary;

Raïf Bey, Legal Adviser on the Civil List, Assistant Delegate;

Colonel on the Staff Mehemmed Saïd Bey, Assistant Delegate.

L'Uruguay

M. José Batlle y Ordonez, ancien Président de la République, Membre de la Cour permanente d'Arbitrage, premier Délégué Plénipotentiaire;

Son Exc. M. Juan P. Castro, ancien Président du Sénat, Envoyé extraordinaire et Ministre Plénipotentiaire à Paris, Membre de la Cour permanente d'Arbitrage, Délégué Plénipotentiaire;

M. le Colonel Sebastian Buquet, Premier Chef de régiment d'artillerie de campagne, Délégué technique.

Les États-Unis du Vénézuela

M. José Gil Fortoul, Chargé d'Affaires à Berlin, Délégué Plénipotentiaire.

Dans une série de réunions, tenues du 15 juin au 18 octobre 1907, où les Délégués précités ont été constamment animés du désir de réaliser, dans la plus large mesure possible, les vues généreuses de l'Auguste Initiateur de la Conférence et les intentions de leurs Gouvernements, la Conférence a arrêté, pour être soumis à la signature des Plénipotentiaires, le texte des Conventions et de la Déclaration énumérées ci-après et annexées au présent Acte:

I. Convention pour le règlement pacifique des conflits internationaux.
II. Convention concernant la limitation de l'emploi de la force pour le recouvrement de dettes contractuelles.
III. Convention relative à l'ouverture des hostilités.
IV. Convention concernant les lois et coutumes de la guerre sur terre.
V. Convention concernant les droits et les devoirs des Puissances et des personnes neutres en cas de guerre sur terre.
VI. Convention relative au régime des navires de commerce ennemis au début des hostilités.
VII. Convention relative à la transformation des navires de commerce en bâtiments de guerre.
VIII. Convention relative à la pose de mines sous-marines automatiques de contact.

URUGUAY

M. José Batille y Ordonez, ex-President of the Republic, Member of the Permanent Court of Arbitration, First Delegate Plenipotentiary;

His Excellency M. Juan P. Castro, ex-President of the Senate, Envoy Extraordinary and Minister Plenipotentiary at Paris, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;

Colonel Sebastian Buquet, Commanding a Regiment of Field Artillery, Technical Delegate.

VENEZUELA

M. José Gil Fortoul, Chargé d'Affaires at Berlin, Delegate Plenipotentiary.

At a series of meetings, held from the 15th June to the 18th October, 1907, in which the above delegates were throughout animated by the desire to realize, in the fullest possible measure, the generous views of the august initiator of the conference and the intentions of their governments, the conference drew up for submission for signature by the plenipotentiaries, the text of the conventions and of the declaration enumerated below and annexed to the present act:

I. Convention for the pacific settlement of international disputes.
II. Convention respecting the limitation of the employment of force for the recovery of contract debts.
III. Convention relative to the opening of hostilities.
IV. Convention respecting the laws and customs of war on land.
V. Convention respecting the rights and duties of neutral powers and persons in case of war on land.
VI. Convention relative to the status of enemy merchant ships at the outbreak of hostilities.
VII. Convention relative to the conversion of merchant ships into war ships.
VIII. Convention relative to the laying of automatic submarine contact mines.

IX. Convention concernant le bombardement par des forces navales en temps de guerre.

X. Convention pour l'adaptation à la guerre maritime des principes de la Convention de Genève.

XI. Convention relative à certaines restrictions à l'exercice du droit de capture dans la guerre maritime.

XII. Convention relative à l'établissement d'une Cour internationale des prises.

XIII. Convention concernant les droits et les devoirs des Puissances neutres en cas de guerre maritime.

XIV. Déclaration relative à l'interdiction de lancer des projectiles et des explosifs du haut de ballons.

Ces Conventions et cette Déclaration formeront autant d'actes séparés. Ces actes porteront la date de ce jour et pourront être signés jusqu'au 30 juin 1908 à La Haye par les Plénipotentiaires des Puissances représentées à la Deuxième Conférence de la Paix.

La Conférence, se conformant à l'esprit d'entente et de concessions réciproques qui est l'esprit même de ses délibérations, a arrêté la déclaration suivante qui, tout en réservant à chacune des Puissances représentées le bénéfice de ses votes, leur permet à toutes d'affirmer les principes qu'Elles considèrent comme unanimement reconnus:

Elle est unanime,

1°. A reconnaître le principe de l'arbitrage obligatoire;

2°. A déclarer que certains différends, et notamment ceux relatifs à l'interprétation et à l'application des stipulations conventionnelles internationales, sont susceptibles d'être soumis à l'arbitrage obligatoire sans aucune restriction.

Elle est unanime enfin à proclamer que, s'il n'a pas été donné de conclure dès maintenant une Convention en ce sens, les divergences d'opinion que se sont manifestées n'ont pas dépassé les limites d'une controverse juridique, et qu'en travaillant ici ensemble pendant quatre mois, toutes les Puissances du monde, non seulement ont appris à se comprendre et à se rapprocher davantage, mais ont su dégager, au cours de cette longue collaboration, un sentiment très élevé du bien commun de l'humanité.

IX. Convention respecting bombardment by naval forces in time of war.

X. Convention for the adaptation to naval war of the principles of the Geneva Convention.

XI. Convention relative to certain restrictions with regard to the exercise of the right of capture in naval war.

XII. Convention relative to the creation of an international prize court.

XIII. Convention concerning the rights and duties of neutral powers in naval war.

XIV. Declaration prohibiting the discharge of projectiles and explosives from balloons.

These conventions and declarations shall form so many separate acts. These acts shall be dated this day, and may be signed up to the 30th June, 1908, at The Hague, by the plenipotentiaries of the powers represented at the Second Peace Conference.

The conference actuated by the spirit of mutual agreement and concession characterizing its deliberations, has agreed upon the following declaration, which, while reserving to each of the powers represented full liberty of action as regards voting, enables them to affirm the principles which they regard as unanimously admitted:

It is unanimous:

1. In admitting the principle of compulsory arbitration.

2. In declaring that certain disputes, in particular those relating to the interpretation and application of the provisions of international agreements, may be submitted to compulsory arbitration without any restriction.

Finally, it is unanimous in proclaiming that, although it has not yet been found feasible to conclude a convention in this sense, nevertheless the divergences of opinion which have come to light have not exceeded the bounds of judicial controversy, and that, by working together here during the past four months, the collected powers not only have learnt to understand one another and to draw closer together, but have succeeded in the course of this long collaboration in evolving a very lofty conception of the common welfare of humanity.

En outre, la Conférence a adopté à l'unanimité la Résolution suivante:

La Deuxième Conférence de la Paix confirme la Résolution adoptée par la Conférence de 1899 à l'égard de la limitation des charges militaires; et, vu que les charges militaires se sont considérablement accrues dans presque tous les pays depuis ladite année, la Conférence déclare qu'il est hautement désirable de voir les Go uvernements re-prendre l'étude sérieuse de cette question.

Elle a, de plus, émis les Vœux suivants:

1°. La Conférence recommande aux Puissances signataires l'adoption du projet ci-annexé de Convention pour l'établissement d'une Cour de Justice arbitrale, et sa mise en vigeur dès qu'un accord sera intervenu sur le choix des juges et la constitution de la Cour.

2°. La Conférence émet le vœu qu'en cas de guerre, les autorités compétentes, civiles et militaires, se fassent un devoir tout spécial d'assurer et de protéger le maintien des rapports pacifiques et notamment des relations commerciales et industrielles entre les populations des États belligérants et les pays neutres.

3°. La Conférence émet le vœu que les Puissances règlent, par des Conventions particulières, la situation, au point de vue des charges militaires des étrangers établis sur leurs territoires.

4°. La Conférence émet le vœu que l'élaboration d'un règlement relatif aux lois et coutumes de la guerre maritime figure au programme de la prochaine Conférence et que, dans tous les cas, les Puissances appliquent, autant que possible, à la guerre sur mer, les principes de la Convention relative aux lois et coutumes de la guerre sur terre.

Enfin, la Conférence recommande aux Puissances la réunion d'une troisième Conférence de la Paix qui pourrait avoir lieu, dans une période analogue à celle qui s'est écoulée depuis la précédente Conférence, à une date à fixer d'un commun accord entre les Puissances, et elle appelle leur attention sur la nécessité de préparer les travau de cette troisième Conférence assez longtemps à l'avance pour que ses délibérations se poursuivent avec l'autorité et la rapidité indispensables.

Pour atteindre à ce but, la Conférence estime qu'il serait très désirable que environ deux ans avant l'époque probable de la

The conference has further unanimously adopted the following resolution:

The Second Peace Conference confirms the resolution adopted by the Conference of 1899 in regard to the limitation of military expenditure; and inasmuch as military expenditure has considerably increased in almost every country since that time, the conference declares that it is eminently desirable that the governments should resume the serious examination of this question.

It has besides expressed the following opinions:

1. The conference calls the attention of the signatory powers to the advisability of adopting the annexed draft convention for the creation of a Judicial Arbitration Court, and of bringing it into force as soon as an agreement has been reached respecting the selection of the judges and the constitution of the court.

2. The conference expresses the opinion that, in case of war, the responsible authorities, civil as well as military, should make it their special duty to ensure and safeguard the maintenance of pacific relations, more especially of the commercial and industrial relations between the inhabitants of the belligerent states and neutral countries.

3. The conference expresses the opinion that the powers should regulate, by special treaties, the position, as regards military charges, of foreigners residing within their territories.

4. The conference expresses the opinion that the preparation of regulations relative to the laws and customs of naval war should figure in the programme of the next conference, and that in any case the powers may apply, as far as possible, to war by sea the principles of the convention relative to the laws and customs of war on land.

Finally, the conference recommends to the powers the assembly of a Third Peace Conference, which might be held within a period corresponding to that which has elapsed since the preceding conference, at a date to be fixed by common agreement between the powers, and it calls their attention to the necessity of preparing the programme of this Third Conference a sufficient time in advance to ensure its deliberations being conducted with the necessary authority and expedition.

In order to attain this object the conference considers that it would be very desirable that, some two years before the prob-

réunion, un Comité préparatoire fût chargé par les Gouvernements de recueillir les diverses propositions à soumettre à la Conférence, de rechercher les matières susceptibles d'un prochain règlement international et de préparer un programme que les Gouvernements arrêteraient assez tôt pour qu'il pût être sérieusement étudié dans chaque pays. Ce Comité serait, en outre, chargé de proposer un mode d'organisation et de procédure pour la Conférence elle-même.

En foi de quoi, les Plénipotentiaires ont signé le présent acte et y ont apposé leurs cachets.

Fait à La Haye, le dix-huit octobre mil neuf cent sept, en un seul exemplaire qui sera déposé dans les archives du Gouvernement des Pays-Bas et dont les copies, certifiées conformes, seront délivrées à toutes les Puissances représentées à la Conférence.

ANNEXE AU 1er VŒU ÉMIS PAR LA DEUXIÉME CONFÉRENCE DE LA PAIX

PROJET D'UNE CONVENTION RELATIVE À L'ÉTABLISSEMENT D'UNE COUR DE JUSTICE ARBITRALE

TITRE I.—ORGANISATION DE LA COUR DE JUSTICE ARBITRALE

ARTICLE 1

Dans le but de faire progresser la cause de l'arbitrage, les Puissances contractantes conviennent d'organiser, sans porter atteinte à la cour permanente d'arbitrage, une Cour de justice arbitrale, d'un accès libre et facile, réunissant des juges représentant les divers systèmes juridiques du monde, et capable d'assurer la continuité de la jurisprudence arbitrale.

ARTICLE 2

La Cour de justice arbitrale se compose de juges et de juges suppléants choisis parmi les personnes jouissant de la plus haute considération morale et qui tous devront remplir les conditions

able date of the meeting, a preparatory committee should be charged by the governments with the task of collecting the various proposals to be submitted to the conference, of ascertaining what subjects are ripe for embodiment in an international regulation, and of preparing a programme which the governments should decide upon in sufficient time to enable it to be carefully examined by the countries interested. This committee should further be intrusted with the task of proposing a system of organization and procedure for the conference itself.

In faith whereof the plenipotentiaries have signed the present act and have affixed their seals thereto.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent to all the powers represented at the conference.

ANNEX TO THE FIRST OPINION EXPRESSED BY THE SECOND PEACE CONFERENCE

DRAFT CONVENTION RELATIVE TO THE CREATION OF A JUDICIAL ARBITRATION COURT

PART I.—CONSTITUTION OF THE JUDICIAL ARBITRATION COURT

ARTICLE 1

With a view to promoting the cause of arbitration, the contracting powers agree to constitute, without altering the status of the Permanent Court of Arbitration, a Judicial Arbitration Court, of free and easy access, composed of judges representing the various juridical systems of the world, and capable of ensuring continuity in jurisprudence of arbitration.

ARTICLE 2

The Judicial Arbitration Court is composed of judges and deputy judges chosen from persons of the highest moral reputation, and all fulfilling conditions qualifying them, in their respec-

requises, dans leurs pays respectifs, pour l'admission dans la haute magistrature ou être des jurisconsultes d'une compétence notoire en matière de droit international.

Les juges et les juges suppléants de la Cour sont choisis, autant que possible, parmi les membres de la Cour permanente d'arbitrage. Le choix sera fait dans les six mois qui suivront la ratification de la présente Convention.

ARTICLE 3

Les juges et les juges suppléants sont nommés pour une période de douze ans à compter de la date où la nomination aura été notifiée au Conseil administratif institué par la Convention pour le règlement pacifique des conflits internationaux. Leur mandat peut être renouvelé.

En cas de décès ou de démission d'un juge ou d'un juge suppléant, il est pourvu à son remplacement selon le mode fixé pour sa nomination. Dans ce cas, la nomination est faite pour une nouvelle période de douze ans.

ARTICLE 4

Les juges de la Cour de justice arbitrale sont égaux entre eux et prennent rang d'après la date de la notification de leur nomination. La préséance appartient au plus âgé, au cas où la date est la même.

Les juges suppléants sont, dans l'exercice de leurs fonctions, assimilés aux juges titulaires. Toutefois, ils prennent rang après ceux-ci.

ARTICLE 5

Les juges jouissent des privilèges et immunités diplomatiques dans l'exercice de leurs fonctions et en dehors de leurs pays.

Avant de prendre possession de leur siège, les juges et les juges suppléants doivent, devant le Conseil administratif, prêter serment ou faire une affirmation solennelle d'exercer leurs fonctions avec impartialité et en toute conscience.

ARTICLE 6

La Cour désigne annuellement trois juges qui forment une Délégation spéciale et trois autres destinés à les remplacer en

tive countries, to occupy high legal posts, or be jurists of recognized competence in matters of international law.

The judges and deputy judges of the court are appointed, as far as possible, from the members of the Permanent Court of Arbitration. The appointment shall be made within the six months following the ratification of the present convention.

ARTICLE 3

The judges and deputy judges are appointed for a period of twelve years, counting from the date on which the appointment is notified to the Administrative Council created by the convention for the pacific settlement of international disputes. Their appointments can be renewed.

Should a judge or deputy judge die or retire, the vacancy is filled in the manner in which his appointment was made. In this case, the appointment is made for a fresh period of twelve years.

ARTICLE 4

The judges of the Judicial Arbitration Court are equal and rank according to the date on which their appointment was notified. The judge who is senior in point of age takes precedence when the date of notification is the same.

The deputy judges are assimilated, in the exercise of their functions, with the judges. They rank, however, below the latter.

ARTICLE 5

The judges enjoy diplomatic privileges and immunities in the exercise of their functions, outside their own country.

Before taking their seat, the judges and deputy judges must swear, before the Administrative Council, or make a solemn affirmation to exercise their functions impartially and conscientiously.

ARTICLE 6

The court annually nominates three judges to form a special delegation and three more to replace them should the necessity

cas d'empêchement. Ils peuvent être reéuls. L'élection se fait au scrutin de liste. Sont considérés comme élus ceux qui réunissent le plus grand nombre de voix. La Délégation élit elle-même son Président, qui, à défaut d'une majorité, est désigné par le sort.

Un membre de la Délégation ne peut exercer ses fonctions quand la Puissance qui l'a nommé, ou dont il es le national, est une des Parties.

Les membres de la Délégation terminent les affaires qui leur ont été soumises, même au cas où la période pour laquelle ils ont été nommés juges serait expirée.

Article 7

L'exercice des fonctions judiciaires est interdit au juge dans les affaires au sujet desquelles il aura, à un titre quelconque, concouru à la décision d'un Tribunal national, d'un Tribunal d'arbitrage ou d'une Commission d'enquête, ou figuré dans l'instance comme conseil ou avocat d'une Partie.

Aucun juge ne peut intervenir comme agent ou comme avocat devant la Cour de justice arbitrale ou la Cour permanente d'arbitrage, devant un Tribunal spécial d'arbitrage ou une Commission d'enquête, ni y agir pour une Partie en quelque qualité que ce soit, pendant toute la durée de son mandat.

Article 8

La Cour élit son Président et son Vice-Président à la majorité absolue des suffrages exprimés. Aprés deux tours de scrutin, l'élection se fait à la majorité relative et, en cas de partage des voix, le sort décide.

Article 9

Les juges de la Cour de justice arbitrale reçoivent une indem nité annuelle de six mille florins néerlandais. Cette indemnité est payée à l'expiration de chaque semestre à dater du jour de la premiére réunion de la Cour.

Pendant l'exercice de leurs fonctions au cours des sessions ou dans les cas spéciaux prévus par la présente Convention, ils touchent une somme de cent florins par jour. Il leur est alloué,

arise. They may be reëlected. They are balloted for. The persons who secure the largest number of votes are considered elected. The delegation itself elects its President, who, in default of a majority, is appointed by lot.

A member of the delegation can not exercise his duties when the power which appointed him, or of which he is a national, is one of the parties.

The members of the delegation are to conclude all matters submitted to them, even if the period for which they have been appointed judges has expired.

ARTICLE 7

A judge may not exercise his judicial functions in any case in which he has, in any way whatever, taken part in the decision of a national tribunal, of a tribunal of arbitration, or of a commission of inquiry, or has figured in the suit as counsel or advocate for one of the parties.

A judge can not act as agent or advocate before the Judicial Arbitration Court or the Permanent Court of Arbitration, before a special tribunal of arbitration or a commission of inquiry, nor act for one of the parties in any capacity whatsoever so long as his appointment lasts.

ARTICLE 8

The court elects its President and Vice-President by an absolute majority of the votes cast. After two ballots, the election is made by a bare majority and, in case the votes are even, by lot.

ARTICLE 9

The judges of the Judicial Arbitration Court receive an annual salary of 6000 Netherland florins. This salary is paid at the end of each half year, reckoned from the date on which the court meets for the first time.

In the exercise of their duties during the sessions or in the special cases covered by the present convention, they receive the sum of 100 florins per diem. They are further entitled to

en outre, une indemnité de voyage fixée d'aprés les règlements de leur pays. Les dispositions du présent alinéa s'appliquent aussi aux juges suppléants remplaçant les juges.

Ces allocations, comprises dans les frais généraux de la Cour, prévus par l'article 31, sont versées par l'entremise du Bureau international institué par la Convention pour le réglement pacifique des conflits internationaux.

ARTICLE 10

Les juges ne peuvent recevoir de leur propre Gouvernement ou de celui d'une autre Puissance aucune rémunération pour des services rentrant dans leurs devoirs comme membres de la Cour.

ARTICLE 11

La Cour de justice arbitrale a son siège à La Haye et ne peut, sauf le cas de force majeure, le transporter ailleurs.

La Délégation peut, avec l'assentiment des Parties, choisir un autre lieu pour ses réunions si des circonstances particulières l'exigent.

ARTICLE 12

Le Conseil administratif remplit à l'égard de la Cour de justice arbitrale les fonctions qu'il remplit à l'égard de la Cour per-



receive a traveling allowance fixed in accordance with regulations existing in their own country. The provisions of the present paragraph are applicable also to a deputy judge when acting for a judge.

These emoluments are included in the general expenses of the court dealt with in Article 31, and are paid through the International Bureau created by the convention for the pacific settlement of international disputes.

ARTICLE 10

The judges may not accept from their own government or from that of any other power any remuneration for services connected with their duties in their capacity of members of the court.

ARTICLE 11

The seat of the Judicial Court of Arbitration is at The Hague, and can not be transferred, unless absolutely obliged by circumstances, elsewhere.

The delegation may choose, with the assent of the parties concerned, another site for its meetings, if special circumstances render such a step necessary.

ARTICLE 12

The Administrative Council fulfills with regard to the Judicial Court of Arbitration the same functions as to the Permanent Court of Arbitration.

ARTICLE 13

The International Bureau acts as registry to the Judicial Court of Arbitration, and must place its offices and staff at the disposal of the court. It has charge of the archives and carries out the administrative work.

The Secretary-General of the Bureau discharges the functions of registrar.

The necessary secretaries to assist the registrar, translators and shorthand writers are appointed and sworn in by the court.

ARTICLE 14

La Cour se réunit en session une fois par an. La session commence le troisième mercredi de juin et dure tant que l'ordre du jour n'aura pas été épuisé.

La Cour ne se réunit pas en session, si la Délégation estime que cette réunion n'est pas nécessaire. Toutefois, si une Puissance est partie à un litige actuellement pendant devant la Cour et dont l'instruction est terminée ou va être terminée, elle a le droit d'exiger que la session ait lieu.

En cas de nécessité, la Délégation peut convoquer la Cour en session extraordinaire.

ARTICLE 15

Un compte-rendu des travaux de la Cour sera dressé chaque année par la Délégation. Ce compte-rendu sera transmis aux Puissances contractantes par l'intermédiaire du Bureau international. Il sera communiqué aussi à tous les juges et juges suppléants de la Cour.

ARTICLE 16

Les juges et les juges suppléants, membres de la Cour de justice arbitrale, peuvent aussi être nommés aux fonctions de juge et de juge suppléant dans la Cour internationale des prises.

TITRE II.—COMPÉTENCE ET PROCÉDURE

ARTICLE 17

La Cour de justice arbitrale est compétente pour tous les cas qui sont portés devant elle, en vertu d'une stipulation générale d'arbitrage ou d'un accord spécial.

ARTICLE 18

La Délégation est compétente:

1. pour juger les cas d'arbitrage visés à l'article précédent, si les Parties sont d'accord pour réclamer l'application de la procédure sommaire, réglée au Titre IV Chapitre 4 de la Con-

ARTICLE 14

The court meets in session once a year. The session opens the third Wednesday in June and lasts until all the business on the agenda has been transacted.

The court does not meet in session if the delegation considers that such meeting is unnecessary. However, when a power is party in a case actually pending before the court, the pleadings in which are closed, or about to be closed, it may insist that the session should be held.

When necessary, the delegation may summon the court in extraordinary session.

ARTICLE 15

A report of the doings of the court shall be drawn up every year by the delegation. This report shall be forwarded to the contracting powers through the International Bureau. It shall also be communicated to the judges and deputy judges of the court.

ARTICLE 16

The judges and deputy judges, members of the Judicial Arbitration Court, can also exercise the functions of judge and deputy judge in the International Prize Court.

PART II.—COMPETENCE AND PROCEDURE

ARTICLE 17

The Judicial Court of Arbitration is competent to deal with all cases submitted to it, in virtue either of a general undertaking to have recourse to arbitration or of a special agreement.

ARTICLE 18

The delegation is competent:

1. To decide the arbitrations referred to in the preceding article, if the parties concerned are agreed that the summary procedure, laid down in Part IV, chapter 4, of the convention

vention pour le règlement pacifique des conflits internationaux;

2. pour procéder à une enquête en vertu et en conformité du Titre III de ladite Convention en tant que la Délégation en est chargée par les Parties agissant d'un commun accord. Avec l'assentiment des Parties et par dérogation à l'article 7 alinéa 1, les membres de la Délégation ayant pris part à l'enquête peuvent siéger comme juges, si le litige est soumis à l'arbitrage de la Cour ou de la Délégation elle-même.

ARTICLE 19

La Délégation est, en outre, compétente pour l'établissement du compromis visé par l'article 52 de la Convention pour le règlement pacifique des conflits internationaux, si les Parties sont d'accord pour s'en remettre à la Cour.

Elle est également compétente, même si la demande est faite seulement par l'une des Parties, après qu'un accord par la voie diplomatique a été vainement essayé, quand il s'agit:

1°. d'un différend rentrant dans un traité d'arbitrage général conclu ou renouvelé après la mise en vigueur de cette Convention et qui prévoit pour chaque différend un compromis, et n'exclut pour l'établissement de ce dernier ni explicitement ni implicitement la compétence de la Délégation. Toutefois, le recours à la Cour n'a pas lieu si l'autre Partie déclare qu'à son avis le différend n'appartient pas à la catégorie des questions à soumettre à un arbitrage obligatoire, à moins que le traité d'arbitrage ne confère au tribunal arbitral le pouvoir de décider cette question préalable.

2°. d'un différend provenant de dettes contractuelles réclamées à une Puissance par une autre Puissance comme dues à ses nationaux, et pour la solution duquel l'offre d'arbitrage a été acceptée. Cette disposition n'est pas appliquable si l'acceptation a été subordonée à la condition que le compromis soit établi selon un autre mode.

ARTICLE 20

Chacune des Parties a le droit de désigner un juge de la Cour pour prendre part, avec voix délibérative, à l'examen de l'affaire soumise à la Délégation.

for the pacific settlement of international disputes is to be applied;

2. To hold an inquiry under and in accordance with Part III of the said convention, in so far as the delegation is intrusted with such inquiry by the parties acting in common agreement. With the assent of the parties concerned, and as an exception to Article 7, paragraph 1, the members of the delegation who have taken part in the inquiry may sit as judges, if the case in dispute is submitted to the arbitration of the court or of the delegation itself.

ARTICLE 19

The delegation is also competent to settle the *compromis* referred to in Article 52 of the convention for the pacific settlement of international disputes if the parties are agreed to leave it to the court.

It is equally competent to do so, even when the request is only made by one of the parties concerned, if all attempts have failed to reach an understanding through the diplomatic channel, in the case of:

1. A dispute covered by a general treaty of arbitration concluded or renewed after the present convention has come into force, providing for a *compromis* in all disputes, and not either explicitly or implicitly excluding the settlement of the *compromis* from the competence of the delegation. Recourse can not, however, be had to the court if the other party declares that in its opinion the dispute does not belong to the category of questions to be submitted to compulsory arbitration, unless the treaty of arbitration confers upon the Arbitration Tribunal the power of deciding this preliminary question.

2. A dispute arising from contract debts claimed from one power by another power as due to its nationals, and for the settlement of which the offer of arbitration has been accepted. This arrangement is not applicable if acceptance is subject to the condition that the *compromis* should be settled in some other way.

ARTICLE 20

Each of the parties concerned may nominate a judge of the court to take part, with power to vote, in the examination of the case submitted to the delegation.

Si la Délégation fonctionne en qualité de Commission d'enquête, ce mandat peut être confié à des personnes prises en dehors des juges de la Cour. Les frais de déplacement et la rétribution à allouer auxdites personnes sont fixés et supportés par les Puissances qui les ont nommés.

ARTICLE 21

L'accès de la Cour de justice arbitrale, instituée par la présente Convention, n'est ouvert qu'aux Puissances contractantes.

ARTICLE 22

La Cour de justice arbitrale suit les règles de procédure édictées par la Convention pour le règlement pacifique des conflits internationaux, sauf ce qui est prescrit par la présente Convention.

ARTICLE 23

La Cour décide du choix de la langue dont elle fera usage, et des langues dont l'emploi sera autorisé devant elle.

ARTICLE 24

Le Bureau international sert d'intermédiaire pour toutes les communications à faire aux juges au cours de l'instruction prévue à l'article 63 alinéa 2 de la Convention pour le règlement pacifique des conflits internationaux.

ARTICLE 25

Pour toutes les notifications à faire, notamment aux Parties, aux témoins et aux experts, la Cour peut s'adresser directement au Gouvernement de la Puissance sur le territoire de laquelle la notification doit être effectuée. Il en est de même s'il s'agit de faire procéder à l'établissement de tout moyen de preuve.

Les requêtes adressées à cet effet ne peuvent être refusées que si la Puissance requise les juge de nature à porter atteinte à sa souveraineté ou à sa sécurité. S'il est donné suite à la requête, les frais ne comprennent que les dépenses d'exécution réellement effectuées.

If the delegation acts as a commission of inquiry, this task may be intrusted to persons other than the judges of the court. The traveling expenses and remuneration to be given to the said persons are fixed and borne by the powers appointing them.

ARTICLE 21

The contracting powers only may have access to the Judicial Arbitration Court set up by the present convention.

ARTICLE 22

The Judicial Court of Arbitration follows the rules of procedure laid down in the convention for the pacific settlement of international disputes, except in so far as the procedure is laid down in the present convention.

ARTICLE 23

The court determines what language it will itself use and what languages may be used before it.

ARTICLE 24

The International Bureau serves as channel for all communications to be made to the judges during the interchange of pleadings provided for in Article 63, paragraph 2, of the convention for the pacific settlement of international disputes.

ARTICLE 25

For all notices to be served, in particular on the parties, witnesses, or experts, the court may apply direct to the government of the state on whose territory the service is to be carried out. The same rule applies in the case of steps being taken to procure evidence.

The requests addressed for this purpose can only be rejected when the power applied to considers them likely to impair its sovereign rights or its safety. If the request is complied with, the fees charged must only comprise the expenses actually incurred.

La Cour a également la faculté de recourir à l'intermédiaire de la Puissance sur le territoire de laquelle elle a son siège.

Les notifications à faire aux Parties dans le lieu où siège la Cour peuvent être exécutées par le Bureau international.

ARTICLE 26

Les débats sont dirigés par le Président ou le Vice-Président et, en cas d'absence ou d'empêchement de l'un et de l'autre, par le plus ancien des juges présents.

Le juge nommé par une des Parties ne peut siéger comme Président.

ARTICLE 27

Les délibérations de la Cour ont lieu à huis clos et restent secrètes.

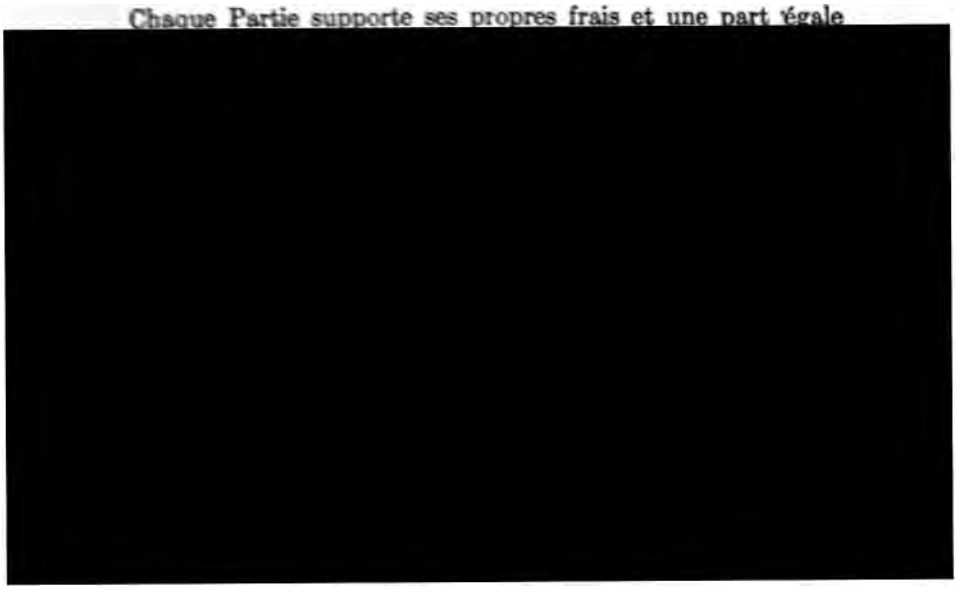
Toute décision est prise à la majorité des juges présents. Si la Cour siège en nombre pair et qu'il y ait partage des voix, la voix du dernier des juges, dans l'ordre de préséance établi d'après l'article 4 alinéa 1, ne sera pas comptée.

ARTICLE 28

Les arrêts de la Cour doivent être motivés. Ils mentionnent les noms des juges qui y ont participé; ils sont signés par le Président et par le greffier.

ARTICLE 29

Chaque Partie supporte ses propres frais et une part égale



The court is equally entitled to act through the power on whose territory it sits.

Notices to be given to parties in the place where the court sits may be served through the International Bureau.

ARTICLE 26

The discussions are under the control of the President or Vice-President, or, in case they are absent or can not act, of the senior judge present.

The judge appointed by one of the parties can not preside.

ARTICLE 27

The court considers its decisions in private, and the proceedings are secret.

All decisions are arrived at by a majority of the judges present. If the number of judges is even and equally divided, the vote of the junior judge, in the order of precedence laid down in Article 4, paragraph 1, is not counted.

ARTICLE 28

The judgment of the court must give the reasons on which it is based. It contains the names of the judges taking part in it; it is signed by the President and registrar.

ARTICLE 29

Each party pays its own costs and an equal share of the costs of the trial.

ARTICLE 30

The provisions of Articles 21 to 29 are applicable by analogy to the procedure before the delegation.

When the right of attaching a member to the delegation has been exercised by one of the parties only, the vote of the member attached is not recorded if the votes are evenly divided.

ARTICLE 31

The general expenses of the court are borne by the contracting powers.

Le Conseil administratif s'adresse aux Puissances pour obtenir les fonds nécessaires au fonctionnement de la Cour.

Article 32

La Cour fait elle-même son règlement d'ordre intérieur qui doit être communiqué aux Puissances contractantes.

Après la ratification de la présente Convention, la Cour se réunira aussitôt que possible, pour élaborer ce règlement, pour élire le Président et le Vice-Président ainsi que pour désigner les membres de la Délégation.

Article 33

La Cour peut proposer des modifications à apporter aux dispositions de la présente Convention qui concernent la procédure. Ces propositions sont communiquées par l'intermédiaire du Gouvernement des Pays-Bas aux Puissances contractantes qui se concerteront sur la suite à y donner.

Titre III.—Dispositions Finales

Article 34

La présente Convention sera ratifiée dans le plus bref délai possible.

Les ratifications seront déposées à La Haye.

Il sera dressé du dépôt de chaque ratification un procès-verbal, dont une copie, certifiée conforme, sera remise par la voie diplomatique à toutes les Puissances signataires.

Article 35

La Convention entrera en vigueur six mois après sa ratification.

Ellle aura une durée de douze ans, et sera renouvelée tacitement de douze ans en douze ans, sauf dénonciation.

La dénonciation devra être notifiée, au moins deux ans avant l'expiration de chaque période, au Gouvernement des Pays-Bas qui en donnera connaissance aux autres Puissances.

The Administrative Council applies to the powers to obtain the funds requisite for the working of the Court.

ARTICLE 32

The court itself draws up its own rules of procedure, which must be communicated to the contracting powers.

After the ratification of the present convention the court shall meet as early as possible in order to elaborate these rules, elect the President and Vice-President, and appoint the members of the delegation.

ARTICLE 33

The court may propose modifications in the provisions of the present convention concerning procedure. These proposals are communicated through the Netherland Government to the contracting powers, which will consider together as to the measures to be taken.

PART III.—FINAL PROVISIONS

ARTICLE 34

The present convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

A *procès-verbal* of the deposit of each ratification shall be drawn up, of which a duly certified copy shall be sent through the diplomatic channel to all the signatory powers.

ARTICLE 35

The convention shall come into force six months after its ratification.

It shall remain in force for twelve years, and shall be tacitly renewed for periods of twelve years, unless denounced.

The denunciation must be notified, at least two years before the expiration of each period, to the Netherland Government, which will inform the other powers.

La dénonciation ne produira effet qu'à l'égard de la Puissance qui l'aura notifiée. La Convention restera exécutoire dans les rapports entre les autres Puissances.

CONVENTION POUR LE RÈGLEMENT PACIFIQUE DES CONFLITS INTERNATIONAUX

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse, etc:

Animés de la ferme volonté de concourir au maintien de la paix générale;

Résolus à favoriser de tous leurs efforts le règlement amiable des conflits internationaux;

Reconnaissant la solidarité qui unit les membres de la société des nations civilisées;

Voulant étendre l'empire du droit et fortifier le sentiment de la justice internationale;

Convaincus que l'institution permanente d'une juridiction arbitrale accessible à tous, au sein des Puissances indépendantes, peut contribuer efficacement à ce résultat;

Considérant les avantages d'une organisation générale et régulière de la procédure arbitrale;

Estimant avec l'Auguste Initiateur de la Conférence internationale de la Paix qu'il importe de consacrer dans un accord international les principes d'équité et de droit sur lesquels reposent la sécurité des États et le bien-être des peuples;

Désireux, dans ce but, de mieux assurer le fonctionnement pratique des Commissions d'enquête et des tribunaux d'arbitrage et de faciliter le recours à la justice arbitrale lorsqu'il s'agit de litiges de nature à comporter une procédure sommaire;

Ont jugé nécessaire de reviser sur certains points et de compléter l'œuvre de la Première Conférence de la Paix pour le règlement pacifique des conflits internationaux;

Les Hautes Parties contractantes ont résolu de conclure une nouvelle Convention à cet effet et ont nommé pour Leurs Plénipotentiaires, savoir;

[Dénomination des Plenipotentiaires]

Lesquels, après avoir déposé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus de ce qui suit:

The denunciation shall only have effect in regard to the notifying power. The convention shall continue in force as far as the other powers are concerned.

CONVENTION FOR THE PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES[1]

His Majesty the German Emperor, King of Prussia, etc:

Animated by the sincere desire to work for the maintenance of general peace;

Resolved to promote by all the efforts in their power the friendly settlement of international disputes;

Recognizing the solidarity uniting the members of the society of civilized nations;

Desirous of extending the empire of law and of strengthening the appreciation of international justice;

Convinced that the permanent institution of a Tribunal of Arbitration accessible to all, in the midst of independent powers, will contribute effectively to this result;

Having regard to the advantages attending the general and regular organization of the procedure of arbitration;

Sharing the opinion of the august initiator of the International Peace Conference that it is expedient to record in an international agreement the principles of equity and right on which are based the security of states and the welfare of peoples;

Being desirous, *with this object of insuring the better working in practice of commissions of inquiry and tribunals of arbitration, and of facilitating recourse to arbitration in cases which allow of a summary procedure;*

Have deemed it necessary to revise in certain particulars and to complete the work of the First Peace Conference for a pacific settlement of international disputes;

The high contracting parties have resolved to conclude a new convention for this purpose, and have appointed the following as their plenipotentiaries:

[Names of Plenipotentiaries]

Who, after having deposited their full powers, found in good and due form, have agreed upon the following:

[1] Articles and clauses in italics indicate the differences between the conventions of 1899 and 1907.

Titre I.—Du Maintien de la Paix Générale

Article 1

En vue de prévenir autant que possible le recours à la force dans les rapports entre les États, les Puissances contractantes conviennent d'employer tous leurs efforts pour assurer le règlement pacifique des différends internationaux.

Titre II.—Des Bons Offices et de la Médiation

Article 2

En cas de dissentiment grave ou de conflit, avant d'en appeler aux armes, les Puissances contractantes conviennent d'avoir recours, en tant que les circonstances le permettront, aux bons offices ou à la médiation d'une ou de plusieurs Puissances amies.

Article 3

Indépendamment de ce recours, les Puissances contractantes jugent utile et désirable qu'une ou plusieurs Puissances étrangères au conflit offrent de leur propre initiative, en tant que les circonstances s'y prêtent, leurs bons offices ou leur médiation aux États en conflit.

Le droit d'offrir les bons offices ou la médiation appartient aux Puissances étrangères au conflit, même pendant le cours des hostilités.

L'exercice de ce droit ne peut jamais être considéré par l'une ou l'autre des Parties en litige comme un acte peu amical.

Article 4

Le rôle du médiateur consiste à concilier les prétentions opposées et à apaiser les ressentiments qui peuvent s'être produits entre les États en conflit.

Article 5

Les fonctions du médiateur cessent du moment où il est constaté, soit par l'une des Parties en litige, soit par le médiateur

PART I.—THE MAINTENANCE OF GENERAL PEACE

ARTICLE 1

With a view to obviating as far as possible recourse to force in the relations between states, the contracting powers agree to use their best efforts to insure the pacific settlement of international differences.

PART II.—GOOD OFFICES AND MEDIATION

ARTICLE 2

In case of serious disagreement or dispute, before an appeal to arms, the *contracting* powers agree to have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly powers.

ARTICLE 3

Independently of this recourse, the *contracting* powers deem it expedient and desirable that one or more powers, strangers to the dispute, should, on their own initiative and as far as circumstances may allow, offer their good offices or mediation to the states at variance.

Powers strangers to the dispute have the right to offer good offices or mediation even during the course of hostilities.

The exercise of this right can never be regarded by either of the parties in dispute as an unfriendly act.

ARTICLE 4

The part of the mediator consists in reconciling the opposing claims and appeasing the feelings of resentment which may have arisen between the states at variance.

ARTICLE 5

The functions of the mediator are at an end when once it is declared, either by one of the parties to the dispute or by the

lui-même, que les moyens de conciliation proposés par lui ne sont pas acceptés.

ARTICLE 6

Les bons offices et la médiation, soit sur le recours des Parties en conflit, soit sur l'initiative des Puissances étrangères au conflit, ont exclusivement le caractère de conseil et n'ont jamais force obligatoire.

ARTICLE 7

L'acceptation de la médiation ne peut avoir pour effet, sauf convention contraire, d'interrompre, de retarder ou d'entraver la mobilisation et autres mesures préparatoires à la guerre.

Si elle intervient après l'ouverture des hostilités, elle n'interrompt pas, sauf convention contraire, les opérations militaires en cours.

ARTICLE 8

Les Puissances contractantes sont d'accord pour recommander l'application, dans les circonstances qui le permettent, d'une médiation spéciale sous la forme suivante.

En cas de différend grave compromettant la paix, les États en conflit choisissent respectivement une Puissance à laquelle ils confient la mission d'entrer en rapport direct avec la Puissance choisie d'autre part, à l'effet de prévenir la rupture des relations pacifiques.

Pendant la durée de ce mandat dont le terme, sauf stipulation contraire, ne peut excéder trente jours, les États en litige cessent tout rapport direct au sujet du conflit, lequel est considéré comme déféré exclusivement aux Puissances médiatrices. Celles-ci doivent appliquer tous leurs efforts à régler le différend.

En cas de rupture effective des relations pacifiques, ces Puissances demeurent chargées de la mission commune de profiter de toute occasion pour rétablir la paix.

mediator himself, that the means of reconciliation proposed by him are not accepted.

ARTICLE 6

Good offices and mediation undertaken either at the request of the parties in dispute or on the initiative of powers strangers to the dispute have exclusively the character of advice, and never have binding force.

ARTICLE 7

The acceptance of mediation can not, unless there be an agreement to the contrary, have the effect of interrupting, delaying, or hindering mobilization or other measures of preparation for war.

If it takes place after the commencement of hostilities, the military operations in progress are not interrupted in the absence of an agreement to the contrary.

ARTICLE 8

The *contracting* powers are agreed in recommending the application, when circumstances allow, of special mediation in the following form:

In case of a serious difference endangering peace, the states at variance choose respectively a power, to which they intrust the mission of entering into direct communication with the power chosen on the other side, with the object of preventing the rupture of pacific relations.

For the period of this mandate, the term of which, unless otherwise stipulated, can not exceed thirty days, the states in dispute cease from all direct communication on the subject of the dispute, which is regarded as referred exclusively to the mediating powers, who must use their best efforts to settle it.

In case of a definite rupture of pacific relations, these powers are charged with the joint task of taking advantage of any opportunity to restore peace.

Titre III.—Des Commissions Internationales d'Enquête

Article 9

Dans les litiges d'ordre international n'engageant ni l'honneur ni des intérêts essentiels et provenant d'une divergence d'appréciation sur des points de fait, les Puissances contractantes jugent utile et désirable que les Parties qui n'auraient pu se mettre d'accord par les voies diplomatiques instituent, en tant que les circonstances le permettront, une Commission internationale d'enquête chargée de faciliter la solution de ces litiges en éclaircissant, par un examen impartial et consciencieux, les questions de fait.

Article 10

Les commissions internationales d'enquête sont constituées par convention spéciale entre les Parties en litige.

La convention d'enquête précise les faits à examiner; elle détermine le mode et le délai de formation de la Commission et l'étendue des pouvoirs des commissaires.

Elle détermine également, s'il y a lieu, le siège de la Commission et la faculté de se déplacer, la langue dont la Commission fera usage et celles dont l'emploi sera autorisé devant elle, ainsi que la date à laquelle chaque Partie devra déposer son exposé des faits, et généralement toutes les conditions dont les Parties sont convenues.

Si les Parties jugent nécessaire de nommer des assesseurs la, convention d'enquête détermine le mode de leur désignation et l'étendue de leurs pouvoirs.

Article 11

Si la convention d'enquête n'à pas désigné le siège de la Commission, celle-ci siègera à La Haye.

Le siège une fois fixé ne peut être changé par la Commission qu'avec l'assentiment des Parties.

Si la convention d'enquête n'a pas déterminé les langues à employer, il en est décidé par la Commission.

PART III.—INTERNATIONAL COMMISSIONS OF INQUIRY

ARTICLE 9

In disputes of an international nature involving neither honor nor vital interests, and arising from a difference of opinion on points of fact, the *contracting* powers deem it expedient *and desirable* that the parties who have not been able to come to an agreement by means of diplomacy, should, as far as circumstances allow, institute an international commission of inquiry, to facilitate a solution of these disputes by elucidating the facts by means of an impartial and conscientious investigation.

ARTICLE 10

International commissions of inquiry are constituted by special agreement between the parties in dispute.

The inquiry convention defines the facts to be examined; *it determines the mode and time in which the commission is to be formed* and the extent of the powers of the commissioners.

It also determines, if there is need, where the commissison is to sit, and whether it may remove to another place, the language the commission shall use and the languages the use of which shall be authorized before it, as well as the date on which each party must deposit its statement of facts, and, generally speaking, all the conditions upon which the parties have agreed.

If the parties consider it necessary to appoint assessors, the convention of inquiry shall determine the mode of their selection and the extent of their powers.

ARTICLE 11

If the inquiry convention has not determined where the commission is to sit, it will sit at The Hague.

The place of meeting, once fixed, can not be altered by the commission except with the assent of the parties.

If the inquiry convention has not determined what languages are to be employed, the question shall be decided by the commission.

ARTICLE 12

Sauf stipulation contraire, les Commissions d'enquête sont formées de la manière déterminée par les Articles 45 et 57 de la présente Convention.

ARTICLE 13

En cas de décès, de démission ou d'empêchement, pour quelque cause que ce soit, de l'un des commissaires, ou éventuellement de l'un des assesseurs, il est pourvu à son remplacement selon le mode fixé pour sa nomination.

ARTICLE 14

Les Parties ont le droit de nommer auprès de la Commission d'enquête des agents spéciaux avec la mission de Les représenter et de servir d'intermédiaires entre Elles et la Commission.

Elles sont, en outre, autorisées à charger des conseils ou avocats nommés par elles, d'exposer et de soutenir leurs intérêts devant la Commission.

ARTICLE 15

Le Bureau International de la Cour permanente d'arbitrage sert de greffe aux Commissions qui siègent à La Haye, et mettra ses locaux et son organisation à la disposition des Puissances contractantes pour le fonctionnement de la Commission d'enquête.

ARTICLE 16

Si la Commission siège ailleurs qu'à La Haye, elle nomme un Secrétaire Général dont le bureau lui sert de greffe.

Le greffe est chargé, sous l'autorité du Président, de l'organisation matérielle des séances de la Commission, de la rédaction des procès-verbaux et, pendant le temps de l'enquête, de la garde des archives qui seront ensuite versées au Bureau International de La Haye.

ARTICLE 17

En vue de faciliter l'institution et le fonctionnement des Commissions d'enquête, les Puissances contractantes recom-

ARTICLE 12

Unless an undertaking is made to the contrary, commissions of inquiry shall be formed in the manner determined by Articles *45 and 57* of the present convention.

ARTICLE 13

Should one of the commissioners or one of the assessors, should there be any, either die, or resign, or be unable for any reason whatever to discharge his functions, the same procedure is followed for filling the vacancy as was followed for appointing him.

ARTICLE 14

The parties are entitled to appoint special agents to attend the commission of inquiry, whose duty it is to represent them and to act as intermediaries between them and the commission.

They are further authorized to engage counsel or advocates, appointed by themselves, to state their case and uphold their interests before the commission.

ARTICLE 15

The International Bureau of the Permanent Court of Arbitration acts as registry for the commissions which sit at The Hague, and it shall place its offices and staff at the disposal of the contracting powers for the use of the commission of inquiry.

ARTICLE 16

If the commission meets elsewhere than at The Hague, it appoints a secretary-general, whose office serves as registry.

It is the function of the registry, under the control of the President, to make the necessary arrangements for the sittings of the commission, the preparation of the minutes, and, while the inquiry lasts, for the charge of the archives, which shall subsequently be transferred to the International Bureau at The Hague.

ARTICLE 17

In order to facilitate the constitution and working of commissions of inquiry, the contracting powers recommend the following

mandent les règles suivantes qui seront applicables à la procédure d'enquête en tant que les Parties n'adopteront pas d'autres règles.

ARTICLE 18

La Commission règlera les détails de la procédure non prévus dans la convention spéciale d'enquête ou dans la présente Convention, et procèdera à toutes les formalités que comporte l'administration des preuves.

ARTICLE 19

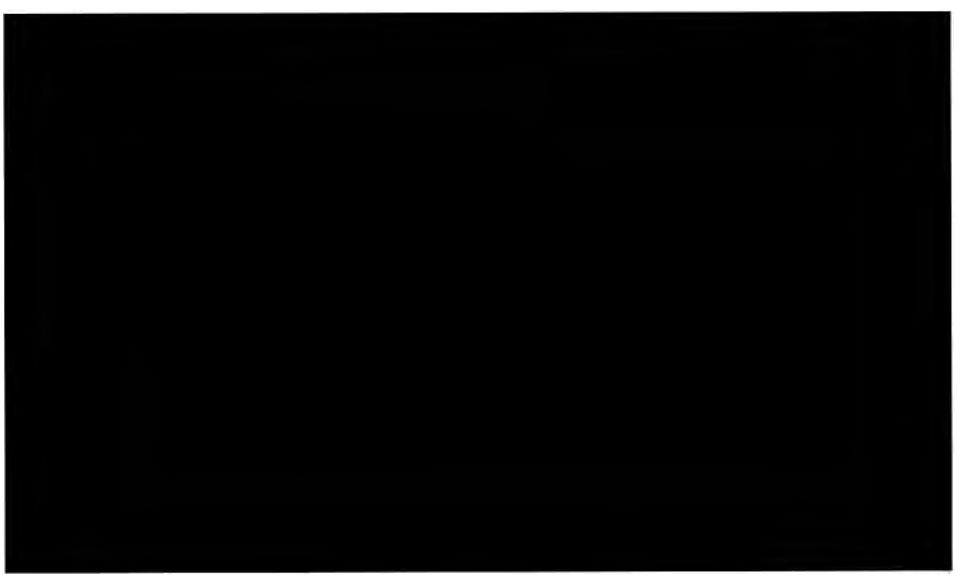
L'enquête a lieu contradictoirement.

Aux dates prévues, chaque Partie communique à la Commission et à l'autre Partie les exposés des faits, s'il y a lieu, et, dans tous les cas, les actes, pièces et documents qu'Elle juge utiles à la découverte de la vérité, ainsi que la liste des témoins et des experts qu'elle désire faire entendre.

ARTICLE 20

La Commission a la faculté, avec l'assentiment des Parties, de se transporter momentanément sur les lieux où elle juge utile de recourir à ce moyen d'information ou d'y déléguer un ou plusieurs de ses membres. L'autorisation de l'État sur le territoire duquel il doit être procédé à cette information devra être obtenue.

ARTICLE 21



rules, which shall be applicable to the inquiry procedure in so far as the parties do not adopt other rules.

ARTICLE 18

The commission shall settle the details of the procedure not covered by the special inquiry convention or the present convention, and shall arrange all the formalities required for dealing with the evidence.

ARTICLE 19

On the inquiry both sides must be heard.

At the dates fixed, each party communicates to the commission and to the other party the statements of facts, if any, and, in all cases, the instruments, papers, and documents which it considers useful for ascertaining the truth, as well as the list of witnesses and experts whose evidence it wishes to be heard.

ARTICLE 20

The commission is entitled, with the assent of the powers, to move temporarily to any place where it considers it may be useful to have recourse to this means of inquiry or to send one or more of its members. Permission must be obtained from the state on whose territory it is proposed to hold the inquiry.

ARTICLE 21

Every investigation, and every examination of a locality, must be made in the presence of the agents and counsel of the parties or after they have been duly summoned.

ARTICLE 22

The commission is entitled to ask from either party for such explanations and information as it considers necessary.

ARTICLE 23

The parties undertake to supply the commission of inquiry, as fully as they may think possible, with all means and facilities necessary to enable it to become completely acquainted with, and to accurately understand, the facts in question.

Elles s'engagent à user des moyens dont Elles disposent d'après leur législation intérieure, pour assurer la comparution des témoins ou des experts se trouvant sur leur territoire et cités devant la Commission.

Si ceux-ci peuvent comparaître devant la Commission, Elles feront procéder à leur audition devant leurs autorités compétentes.

Article 24

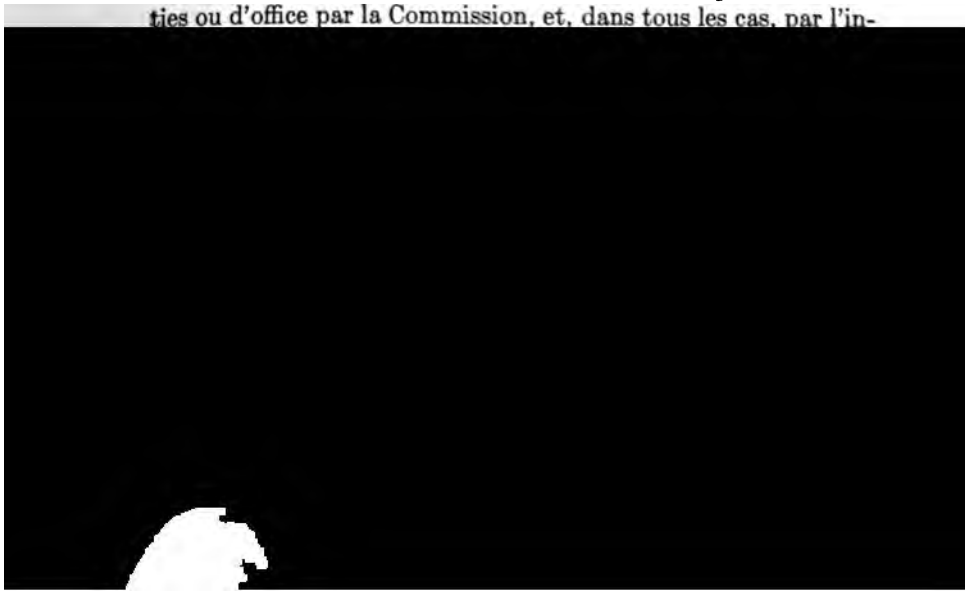
Pour toutes les notifications que la Commission aurait à faire sur le territoire d'une tierce Puissance contractante, la Commission s'adressera directement au Gouvernement de cette Puissance. Il en sera de même s'il s'agit de faire procéder sur place à l'établissement de tous moyens de preuve.

Les requêtes adressées à cet effet seront exécutées suivant les moyens dont la Puissance requise dispose d'après Sa législation intérieure. Elles ne peuvent être refusées que si cette Puissance les juge de nature à porter atteinte à Sa souveraineté ou à Sa sécurité.

La Commission aura aussi toujours la faculté de recourir à l'intermédiaire de la Puissance sur le territoire de laquelle elle a son siège.

Article 25

Les témoins et les experts sont appelés à la requête des Parties ou d'office par la Commission, et, dans tous les cas, par l'in-



They undertake to make use of the means at their disposal, under their municipal law, to insure the appearance of the witnesses or experts who are in their territory and have been summoned before the commission.

If the witnesses or experts are unable to appear before the commission, the parties will arrange for their evidence to be taken before the qualified officials of their own country.

ARTICLE 24

For all notices to be served by the commission in the territory of a third contracting power, the commission shall apply direct to the government of the said power. The same rule applies in the case of steps being taken on the spot to procure evidence.

The requests for this purpose are to be executed so far as the means at the disposal of the power applied to under its municipal law allowed. They can not be rejected unless the power in question considers they are calculated to impair its sovereign rights or its safety.

The commission will equally be always entitled to act through the power on whose territory it sits.

ARTICLE 25

The witnesses and experts are summoned on the request of the parties or by the commission of its own motion, and, in every case through the government of the state in whose territory they are.

The witnesses are heard in succession and separately, in the presence of the agents and counsel, and in the order fixed by the commission.

ARTICLE 26

The examination of witnesses is conducted by the President.

The members of the commissison may, however, put to each witness questions which they consider likely to throw light on and complete his evidence, or get information on any point concerning the witness within the limits of what is necessary in order to get at the truth.

Les agents et les conseils des Parties ne peuvent interrompre le témoin dans sa déposition, ni lui faire aucune interpellation directe, mais peuvent demander au Président de poser au témoin telles questions complémentaires qu'ils jugent utiles.

ARTICLE 27

Le témoin doit déposer sans qu'il lui soit permis de lire aucun projet écrit. Toutefois, il peut être autorisé par le Président à s'aider de notes ou documents si la nature des faits rapportés en nécessite l'emploi.

ARTICLE 28

Procès-verbal de la déposition du témoin est dressé séance tenante et lecture en est donnée au témoin. Le témoin peut y faire tels changements et additions que bon lui semble et qui seront consignés à la suite de sa déposition.

Lecture faite au témoin de l'ensemble de sa déposition, le témoin est requis de signer.

ARTICLE 29

Les agents sont autorisés, au cours ou à la fin de l'enquête, à présenter par écrit à la Commission et à l'autre Partie tels dires, réquisitions ou résumés de fait, qu'ils jugent utiles à la découverte de la vérité.

ARTICLE 30

Les délibérations de la Commission ont lieu à huis clos et restent secrètes.

Toute décision est prise à la majorité des membres de la Commission.

Le refus d'un membre de prendre part au vote doit être constaté dans le procès-verbal.

ARTICLE 31

Les séances de la Commission ne sont publiques et les procès-verbaux et documents de l'enquête ne sont rendus publics qu'en vertu d'une décision de la Commission, prise avec l'assentiment des Parties.

The agents and counsel of the parties may not interrupt the witness when he is making his statement, nor put any direct question to him, but they may ask the President to put such additional questions to the witness as they think expedient.

ARTICLE 27

The witness must give his evidence without being allowed to read any written draft. He may, however, be permitted by the President to consult notes or documents if the nature of the facts referred to necessitates their employment.

ARTICLE 28

A minute of the evidence of the witness is drawn up forthwith and read to the witness. The latter may make such alterations and additions as he thinks necessary, which will be recorded at the end of his statement.

When the whole of his statement has been read to the witness, he is asked to sign it.

ARTICLE 29

The agents are authorized, in the course of or at the close of the inquiry, to present in writing to the commission and to the other party such statements, requisitions, or summaries of the facts as they consider useful for ascertaining the truth.

ARTICLE 30

The commission considers its decisions in private and the proceedings are secret.

All questions are decided by a majority of the members of the commission.

If a member declines to vote, the fact must be recorded in the minutes.

ARTICLE 31

The sittings of the commission are not public, nor the minutes and documents connected with the Inquiry published except in virtue of a decision of the commission taken with the consent of the parties.

ARTICLE 32

Les Parties ayant présenté tous les éclaircissements et preuves, tous les témoins ayant été entendus, le Président prononce la clôture de l'enquête et la Commission s'ajourne pour délibérer et rédiger son rapport.

ARTICLE 33

Le rapport est signé par tous les membres de la Commission.

Si un des membres refuse de signer, mention en est faite; le rapport reste néanmoins valable.

ARTICLE 34

Le rapport de la Commission est lu en séance publique, les agents et les conseils des Parties présents ou dûment appelés.

Un exemplaire du rapport est remis à chaque Partie.

ARTICLE 35

Le rapport de la Commission limité à la constatation des faits, n'a nullement le caractère d'une sentence arbitrale. Il laisse aux Parties une entière liberté pour la suite à donner à cette constatation.

ARTICLE 36

Chaque Partie supporte ses propres frais et une part égale



ARTICLE 32

After the parties have presented all the explanations and evidence, and the witnesses have all been heard, the president declares the inquiry terminated, and the commission adjourns to deliberate and to draw up its report.

ARTICLE 33

The report is signed by all the members of the commission.

If one of the members refuses to sign, the fact is mentioned; but the validity of the report is not affected.

ARTICLE 34

The report of the commission is read at a public sitting, the agents and counsel of the parties being present or duly summoned.

A copy of the report is given to each party.

ARTICLE 35

The report of the commission is limited to a statement of facts, and has in no way the character of an award. It leaves to the parties entire freedom as to the effect to be given to the statement.

ARTICLE 36

Each party pays its own expenses and an equal share of the expenses incurred by the commission.

PART IV.—INTERNATIONAL ARBITRATION

CHAPTER I.—*The System of Arbitration*

ARTICLE 37

International arbitration has for its object the settlement of differences between states by judges of their own choice, and on the basis of respect for law.

Recourse to arbitration implies an engagement to submit in good faith to the award.

ARTICLE 38

Dans les questions d'orde juridique, et en premier lieu, dans les questions d'interprétation ou d'application des Conventions internationales, l'arbitrage est reconnu par les Puissances contractantes comme le moyen le plus efficace et en même temps le plus équitable de régler les litiges qui n'ont pas été résolus par les voies diplomatiques.

En conséquence, il serait désirable que, dans les litiges sur les questions susmentionnées, les Puissances contractantes eussent, le cas échéant, recours à l'arbitrage, en tant que les circonstances le permettraient.

ARTICLE 39

La Convention d'arbitrage est conclue pour des contestations déjà nées ou pour des contestations éventuelles.

Elle peut concerner tout litige ou seulement les litiges d'une catégorie déterminée.

ARTICLE 40

Indépendamment des Traités généraux ou particuliers qui stipulent actuellement l'obligation du recours à l'arbitrage pour les Puissances contractantes, ces Puissances se réservent de conclure des accords nouveaux, généraux ou particuliers, en vue d'étendre l'arbitrage obligatoire à tous les cas qu'Elles jugeront possible de lui soumettre.

CHAPITRE II.—*De la Cour permanente d'arbitrage*

ARTICLE 41

Dans le but de faciliter le recours immédiat à l'arbitrage pour les différends internationaux qui n'ont pu être réglés par la voie diplomatique, les Puissances contractantes s'engagent à maintenir, telle qu'elle a été établie par la Première Conférence de la Paix, la Cour permanente d'arbitrage, accessible en tout temps et fonctionnant, sauf stipulation contraire des Parties, conformément aux règles de procédure insérées dans la présente Convention.

ARTICLE 38

In questions of a legal nature, and especially in the interpretation or application of international conventions, arbitration is recognized by the *contracting* powers as the most effective, and at the same time the most equitable, means of settling disputes which diplomacy has failed to settle.

Consequently, it would be desirable that, in disputes about the above-mentioned questions, the contracting powers should, if the case arose, have recourse to arbitration, in so far as circumstances permit.

ARTICLE 39

The arbitration convention is concluded for questions already existing or for questions which may arise eventually.

It may embrace any dispute or only disputes of a certain category.

ARTICLE 40

Independently of general or private treaties expressly stipulating recourse to arbitration as obligatory on the *contracting* powers, the said powers reserve to themselves the right of concluding new agreements, general or particular, with a view to extending compulsory arbitration to all cases which they may consider it possible to submit to it.

CHAPTER II.—*The Permanent Court of Arbitration*

ARTICLE 41

With the object of facilitating an immediate recourse to arbitration for international differences, which it has not been possible to settle by diplomacy, the *contracting* powers undertake to maintain the Permanent Court of Arbitration, *as established by the First Peace Conference*, accessible at all times, and operating, unless otherwise stipulated by the parties, in accordance with the rules of procedure inserted in the present convention.

ARTICLE 42

La Cour permanente est compétente pour tous les cas d'arbitrage, à moins qu'il n'y ait entente entre les Parties pour l'établissement d'une juridiction spéciale.

ARTICLE 43

La Cour permanente a son siège à La Haye.

Un Bureau International sert de greffe à la Cour; il est l'intermédiaire des communications relatives aux réunions de celle-ci; il a la garde des archives et la gestion de toutes les affaires administratives.

Les Puissances contractantes s'engagent à communiquer au Bureau, aussitôt que possible, une copie certifiée conforme de toute stipulation d'arbitrage intervenue entre Elles et de toute sentence arbitrale Les concernant et rendue par des juridictions spéciales.

Elles s'engagent à communiquer de même au Bureau les lois, règlements et documents constatant éventuellement l'exécution des sentences rendues par la Cour.

ARTICLE 44

Chaque Puissance contractante désigne quatre personnes au plus, d'une compétence reconnue dans les questions de droit international, jouissant de la plus haute considération morale et disposées à accepter les fonctions d'arbitre.

Les personnes ainsi désignées sont inscrites, au titre de Membres de la Cour, sur une liste qui sera notifiée à toutes les Puissances contractantes par les soins du Bureau.

Toute modification à la liste des arbitres est portée, par les soins du Bureau, à la connaissance des Puissances contractantes.

Deux ou plusieurs Puissances peuvent s'entendre pour la désignation en commun d'un ou de plusieurs Membres.

La même personne peut être désignée par des Puissances différentes.

Les Membres de la Cour sont nommés pour un terme de six ans. Leur mandat peut être renouvelé.

En cas de décès ou de retraite d'un Membre de la Cour, il est

ARTICLE 42

The Permanent Court is competent for all arbitration cases, unless the parties agree to institute a special tribunal.

ARTICLE 43

The Permanent Court sits at The Hague.

An International Bureau serves as registry for the court. It is the channel for communications relative to the meetings of the court; it has charge of the archives and conducts all the administrative business.

The *contracting* powers undertake to communicate to the Bureau, as soon as possible, a certified copy of any conditions of arbitration arrived at between them, and of any award concerning them delivered by a special tribunal.

They likewise undertake to communicate to the Bureau the laws, regulations, and documents eventually showing the execution of the awards given by the court.

ARTICLE 44

Each *contracting* power selects four persons at the most, of known competency in questions of international law, of the highest moral reputation, and disposed to accept the duties of arbitrator.

The persons thus selected are inscribed, as members of the court, in a list which shall be notified to all the *contracting* powers by the Bureau.

Any alteration in the list of arbitrators is brought by the Bureau to the knowledge of the *contracting* powers.

Two or more powers may agree on the selection in common of one or more members.

The same person can be selected by different powers.

The members of the court are appointed for a term of six years. These appointments are renewable.

Should a member of the court die or resign, the same pro-

pourvu à son remplacement selon le mode fixé pour sa nomination, et pour une nouvelle période de six ans.

ARTICLE 45

Lorsque les Puissances contractantes veulent s'adresser à la Cour permanente pour le règlement d'un différend survenu entre Elles, le choix des arbitres appéles à former le Tribunal compétent pour statuer sur ce différend, doit être fait dans la liste générale des Membres de la Cour.

A défaut de constitution du Tribunal arbitral par l'accord des Parties, il est procédé de la manière suivante:

Chaque Partie nomme deux arbitres, dont un seulement peut être son national ou choisi parmi ceux qui ont été désignés par Elle comme Membres de la Cour permanente. Ces arbitres choisissent ensemble un surarbitre.

En cas de partage des voix, le choix du surarbitre est confié à une Puissance tierce, désignée de commun accord par les Parties.

Si l'accord ne s'établit pas à ce sujet, chaque Partie désigne une Puissance différente et le choix du surabitre est fait de concert par les Puissances ainsi désignées.

Si, dans un délai de deux mois, ces deux Puissances n'ont pu tomber d'accord, chacune d'Elles présente deux candidats pris sur la liste des Membres de la Cour permanente, en dehors des Membres désignés par les Parties et n'étant les nationaux d'aucune d'Elles. Le sort détermine lequel des candidats ainsi présentés sera le surarbitre.

ARTICLE 46

Dès que le Tribunal est composé, les Parties notifient au Bureau leur décision de s'adresser à la Cour, le texte de leur compromis, et les noms des arbitres.

Le Bureau communique sans délai à chaque arbitre le compromis et les noms des autres Membres du Tribunal.

Le Tribunal se réunit à la date fixée par les Parties. Le Bureau pourvoit à son installation.

Les Membres du Tribunal, dans l'exercice de leurs fonctions et en dehors de leur pays, jouissent des privilèges et immunités diplomatiques.

cedure is followed for filling the vacancy as was followed for appointing him. *In this case the appointment is made for a fresh period of six years.*

ARTICLE 45

When the *contracting* powers wish to have recourse to the Permanent Court for the settlement of a difference which has arisen between them, the arbitrators called upon to form the tribunal with jurisdiction to decide this difference must be chosen from the general list of members of the court.

Failing the direct agreement of the parties on the composition of the Arbitration Tribunal, the following course shall be pursued:

Each party appoints two arbitrators, *of whom one only can be its national or chosen from among the persons who have been selected by it as members of the Permanent Court.* These arbitrators together choose an umpire.

If the votes are equally divided, the choice of the umpire is intrusted to a third power, selected by the parties by common accord.

If an agreement is not arrived at on this subject each party selects a different power, and the choice of the umpire is made in concert by the powers thus selected.

If, within two months' time, these two powers can not come to an agreement, each of them presents two candidates taken from the list of members of the Permanent Court, exclusive of the members selected by the parties and not being nationals of either of them. Drawing lots determines which of the candidates thus presented shall be umpire.

ARTICLE 46

The tribunal being thus composed, the parties notify to the Bureau their determination to have recourse to the court, *the text of their compromis,* and the names of the arbitrators.

The Bureau communicates without delay to each arbitrator the compromis, and the names of the other members of the tribunal.

The tribunal assembles at the date fixed by the parties. *The Bureau makes the necessary arrangements for the meeting.*

The members of the tribunal, in the exercise of their duties and out of their own country, enjoy diplomatic privileges and immunities.

[redacted]

[redacted]

[redacted]

ARTICLE 47

The Bureau is authorized to place its officers and staff at the disposal of the *contracting* powers for the use of any special board of arbitration.

The jurisdiction of the Permanent Court may, within the conditions laid down in the regulations, be extended to disputes between *non-contracting* powers, or between *contracting* powers and *non-contracting* powers, if the parties are agreed on recourse to this tribunal.

ARTICLE 48

The *contracting* powers consider it their duty, if a serious dispute threatens to break out between two or more of them, to remind these latter that the Permanent Court is open to them.

Consequently, they declare that the fact of reminding the parties at variance of the provisions of the present convention, and the advice given to them, in the highest interests of peace, to have recourse to the Permanent Court, can only be regarded as friendly actions.

In case of dispute between two powers, one of them can always address to the International Bureau a note containing a declaration that it would be ready to submit the dispute to arbitration.

The Bureau must at once inform the other power of the declaration.

ARTICLE 49

The Permanent Administrative Council, composed of the diplomatic representatives of the *contracting* powers accredited to The Hague and of the Netherland Minister for Foreign Affairs, who will act as President, is charged with the direction and control of the International Bureau.

The Counsel settles its rules of procedure and all other necessary regulations.

It decides all questions of administration which may arise with regard to the operations of the court.

It has entire control over the appointment, suspension, or dismissal of the officials and *employés* of the Bureau

Il fixe les traitements et salaires, et contrôle la dépense générale.

La présence de neuf membres dans les réunions dûment convoquées suffit pour permettre au Conseil de délibérer valablement. Les décisions sont prises à la majorité des voix.

Le Conseil communique sans délai aux Puissances contractantes les règlements adoptés par lui. Il Leur présente chaque année un rapport sur les travaux de la Cour, sur le fonctionnement des services administratifs et sur les dépenses. Le rapport contient également un résumé du contenu essentiel des documents communiqués au Bureau par les Puissances en vertu de l'article 43 alinéas 3 et 4.

Article 50

Les frais du Bureau seront supportés par les Puissances contractantes dans la proportion établie pour le Bureau international de l'Union postale universelle.

Les frais à la charge des Puissances adhérentes seront comptés à partir du jour où leur adhésion produit ses effets.

Chapitre III.—*De la procédure arbitrale*

Article 51

En vue de favoriser le développement de l'arbitrage, les Puissances contractantes ont arrêté les règles suivantes qui sont applicables à la procédure arbitrale, en tant que les Parties ne sont pas convenues d'autres règles.

Article 52

Les Puissances qui recourent à l'arbitrage signent un compromis dans lequel sont déterminés l'objet du litige, le délai de nomination des arbitres la forme, l'ordre et les délais dans lesquels la communication visée par l'article 63 devra être faite, et le montant de la somme que chaque Partie aura à déposer à titre d'avance pour les frais.

Le compromis détermine également, s'il y a lieu, le mode de nomination des arbitres, tous pouvoirs spéciaux éventuels du

It fixes the payments and salaries, and controls the general expenditure.

At meetings duly summoned the presence of *nine* members is sufficient to render valid the discussions of the Council. The decisions are taken by a majority of votes.

The Council communicates to the contracting powers without delay the regulations adopted by it. It furnishes them with an *annual* report on the labors of the court, the working of the administration, and the expenditure. *The report likewise contains a résumé of what is important in the documents communicated to the Bureau by the powers in virtue of Article 43, paragraphs 3 and 4.*

Article 50

The expenses of the Bureau shall be borne by the contracting powers in the proportion fixed for the International Bureau of the Universal Postal Union.

The expenses to be charged to the adhering powers shall be reckoned from the date on which their adhesion comes into force.

Chapter III.—*Arbitration Procedure*

Article 51

With a view to encouraging the development of arbitration, the *contracting* powers have agreed on the following rules, which are applicable to arbitration procedure, unless other rules have been agreed on by the parties.

Article 52

The powers which have recourse to arbitration sign a *compromis*, in which the subject of the dispute is clearly defined, the *time allowed for appointing arbitrators, the form, order, and time in which the communication referred to in Article 63 must be made, and the amount of the sum which each party must deposit in advance to defray the expenses.*

The compromis likewise defines, if there is occasion, the manner of appointing arbitrators, any special powers which may event-

Tribunal, son siège, la langue dont il fera usage et celles dont l'emploi sera autorisé devant lui, et généralement toutes les conditions dont les Parties sont convenues.

ARTICLE 53

La Cour permanente est compétente pour l'établissement du compromis, si les Parties sont d'accord pour s'en remettre à elle.

Elle est également compétente, même si la demande est faite seulement par l'une des Parties, après qu'un accord par la voie diplomatique a été vainement essayé, quand il s'agit:

1°. d'un différend rentrant dans un Traité d'arbitrage général conclu ou renouvelé après la mise en vigueur de cette Convention et qui prévoit pour chaque différend un compromis et n'exclut pour l'établissement de ce dernier ni explicitement ni implicitement la compétence de la Cour. Toutefois, le recours à la Cour n'a pas lieu si l'autre Partie déclare qu'à son avis le différend n'appartient pas à la catégorie des différends à soumettre à un arbitrage obligatoire, à moins que la Traité d'arbitrage ne confère au Tribunal arbitral le pouvoir de décider cette question prélable;

2°. d'un différend provenant de dettes contractuelles réclamées à une Puissance par une autre Puissance comme dues à ses nationaux, et pour la solution duquel l'offre d'arbitrage a été acceptée. Cette disposition n'est pas applicable si l'acceptation a été subordonnée à la condition que le compromis soit établi selon un autre mode.

ARTICLE 54

Dans les cas prévus par l'article précédent, le compromis sera établi par une commission composée de cinq membres désignés de la manière prévue à l'article 45 aliénas 3 à 6.

Le cinquième membre est de droit Président de la commission.

ARTICLE 55

Les fonctions arbitrales peuvent être conférées à un arbitre unique ou à plusieurs arbitres désignés par les Parties à leur

ually belong to the Tribunal, where it shall meet, the language it shall use, and the languages the employment of which shall be authorized before it, and, generally speaking, all the conditions on which the parties are agreed.

ARTICLE 53

The Permanent Court is competent to settle the compromis, if the parties are agreed to have recourse to it for the purpose.

It is similarly competent, even if the request is only made by one of the parties, when all attempts to reach an understanding through the diplomatic channel have failed, in the case of:

1. A dispute covered by a general treaty of arbitration concluded or renewed after the present convention has come into force, and providing for a compromis in all disputes and not either explicitly or implicitly excluding the settlement of the compromis from the competence of the court. Recourse can not, however, be had to the court if the other party declares that in its opinion the dispute does not belong to the category of disputes which can be submitted to compulsory arbitration, unless the treaty of arbitration confers upon the Arbitration Tribunal the power of deciding this preliminary question.

2. A dispute arising from contract debts claimed from one power by another power as due to its nationals, and for the settlement of which the offer of arbitration has been accepted. This arrangement is not applicable if acceptance is subject to the condition that the compromis should be settled in some other way.

ARTICLE 54

In the cases contemplated in the preceding article, the compromis shall be settled by a commission consisting of five members selected in the manner arranged for in article 45, paragraphs 3 to 6.

The fifth member is President of the commission ex officio.

ARTICLE 55

The duties of arbitrator may be conferred on one arbitrator alone or on several arbitrators selected by the parties as they

gré, ou choisis par Elles parmi les Membres de la Cour permanente d'arbitrage établie par la présente Convention.

A défaut de constitution du Tribunal par l'accord des Parties, il est procédé de la manière indiquée à l'article 45 alinéas 3 à 6.

ARTICLE 56

Lorsqu'un Souverain ou un Chef d'État est choisi pour arbitre, la procédure arbitrale est réglée par Lui.

ARTICLE 57

Le surarbitre est de droit Président du Tribunal.

Lorsque le Tribunal ne comprend pas de surarbitre, il nomme lui-même son Président.

ARTICLE 58

En cas d'établissement du compromis par une commission, telle qu'elle est visée à l'article 54, et sauf stipulation contraire la commission elle même formera le Tribunal d'arbitrage.

ARTICLE 59

En cas de décès, de démission au d'empêchement, pour quelque cause que ce soit, de l'un des arbitres, il est pourvu à son remplacement selon le mode fixé pour sa nomination.

ARTICLE 60

A défaut de désignation par les Parties, le Tribunal siège à La Haye.

Le Tribunal ne peut siéger sur le territoire d'une tierce Puissance qu'avec l'assentiment de celle-ci.

Le siège une fois fixé ne peut être changé par le Tribunal qu'avec l'assentiment des Parties.

ARTICLE 61

Si le compromis n'a pas déterminé les langues à employer, il en est décidé par le Tribunal.

please, or chosen by them from the members of the Permanent Court of Arbitration established by the present convention.

Failing the constitution of the tribunal by direct agreement between the parties, the course referred to in Article 45, paragraphs 3 to 6, is followed.

ARTICLE 56

When a sovereign or the chief of a state is chosen as arbitrator, the arbitration procedure is settled by him.

ARTICLE 57

The umpire is President of the tribunal *ex officio*.

When the tribunal does not include an umpire, it appoints its own President.

ARTICLE 58

When the compromis is settled by a commission, as contemplated in Article 54, and in the absence of an agreement to the contrary, the commission itself shall form the Arbitration Tribunal.

ARTICLE 59

Should one of the arbitrators either die, retire, or be unable for any reason whatever to discharge his functions, the same procedure is followed for filling the vacancy as was followed for appointing him.

ARTICLE 60

The tribunal sits at The Hague, unless some other place is selected by the parties.

The tribunal can only sit in the territory of a third power with the latter's consent.

The place of meeting once fixed can not be altered by the tribunal, except with the consent of the parties.

ARTICLE 61

If the question as to what languages are to be used has not been settled by the compromis, it shall be decided by the tribunal.

ARTICLE 62

The parties are entitled to appoint special agents to attend the tribunal to act as intermediaries between themselves and the tribunal.

They are further authorized to retain for the defense of their rights and interests before the tribunal counsel or advocates appointed by themselves for this purpose.

The members of the Permanent Court may not act as agents, counsel, or advocates except on behalf of the power which appointed them members of the court.

ARTICLE 63

As a general rule, arbitration procedure comprises two distinct phases: pleadings and oral discussions.

The pleadings consist in the communication by the respective agents to the members of the tribunal and the opposite party of *cases, counter-cases, and, if necessary, of replies; the parties annex thereto all papers and documents called for in the case. This communication shall be made either directly or through the intermediary of the International Bureau, in the order and within the time fixed by the compromis.*

The time fixed by the compromis may be extended by mutual agreement by the parties, or by the tribunal when the latter considers it necessary for the purpose of reaching a just decision.

The discussion consists in the oral development before the tribunal of the arguments of the parties.

ARTICLE 64

A certified copy of every document produced by one party must be communicated to the other party.

ARTICLE 65

Unless special circumstances arise, the tribunal does not meet until the pleadings are closed.

ARTICLE 66

The discussions are under the control of the President.

They are only public if it be so decided by the tribunal, with the assent of the parties.

Ils sont consignés dans des procès-verbaux rédigés par des secrétaires que nomme le Président. Ces procès-verbaux sont signés par le Président et par un des secrétaires; ils ont seuls caractère authentique.

ARTICLE 67

L'instruction étant close, le Tribunal a le droit d'écarter du débat tous actes ou documents nouveaux qu'une des Parties voudrait lui soumettre sans le consentement de l'autre.

ARTICLE 68

Le Tribunal demeure libre de prendre en considération les actes ou documents nouveaux sur lesquels les agents ou conseils des Parties appelleraient son attention.

En ce cas, le Tribunal a le droit de requérir la production de ces actes ou documents, sauf l'obligation d'en donner connaissance à la Partie adverse.

ARTICLE 69

Le Tribunal peut, en outre, requérir des agents des Parties la production de tous actes et demander toutes explications nécessaires. En cas de refus, le Tribunal en prend acte.

ARTICLE 70

Les agents et les conseils des Parties sont autorisés à présenter oralement au Tribunal tous les moyens qu'ils jugent utiles à la défense de leur cause.

ARTICLE 71

Ils ont le droit de soulever des exceptions et des incidents. Les décisions du Tribunal sur ces points sont définitives et ne peuvent donner lieu à aucune discussion ultérieure.

ARTICLE 72

Les membres du Tribunal ont le droit de poser des questions aux agents et aux conseils des Parties et de leur demander des éclaircissements sur les points douteux.

They are recorded in the minutes drawn up by the secretaries appointed by the President. These minutes are signed by the President and by one of the secretaries, and alone have an authentic character.

ARTICLE 67

After the close of the pleadings, the tribunal is entitled to refuse discussion of all new papers or documents which one of the parties may wish to submit to it without the consent of the other party.

ARTICLE 68

The tribunal is free to take into consideration new papers or documents to which its attention may be drawn by the agents or counsel of the parties.

In this case, the tribunal has the right to require the production of these papers or documents, but is obliged to make them known to the opposite party.

ARTICLE 69

The tribunal can, besides, require from the agents of the parties the production of all papers, and can demand all necessary explanations. In case of refusal, the tribunal takes note of it.

ARTICLE 70

The agents and the counsel of the parties are authorized to present orally to the tribunal all the arguments they may consider expedient in defense of their case.

ARTICLE 71

They are entitled to raise objection and points. The decisions of the tribunal on these points are final, and can not form the subject of any subsequent discussion.

ARTICLE 72

The members of the tribunal are entitled to put questions to the agents and counsel of the parties, and to ask them for explanations on doubtful points.

Ni les questions posées, ni les observations faites par les membres du Tribunal pendant le cours des débats ne peuvent être regardées comme l'expression des opinions du Tribunal en général ou de ses membres en particulier.

ARTICLE 73

Le Tribunal est autorisé à déterminer sa compétence en interprétant le compromis ainsi que les autres actes et documents qui peuvent être invoqués dans la matière, et en appliquant les principes du droit.

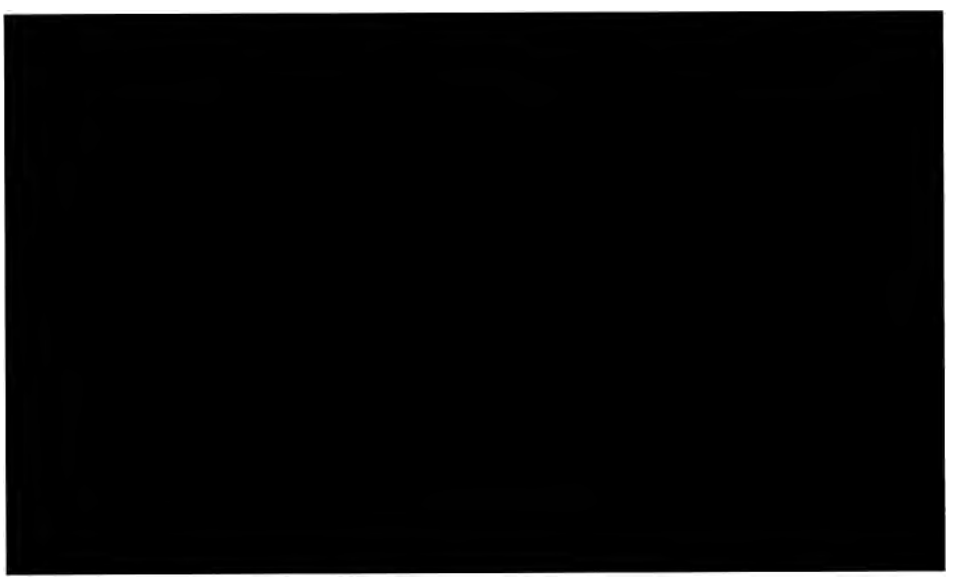
ARTICLE 74

Le Tribunal a le droit ne rendre des ordonnances de procédure pour la direction du procès, de déterminer les formes, l'ordre et les délais dans lesquels chaque Partie devra prendre ses conclusions finales, et de procéder à toutes les formalités que comporte l'administration des preuves.

ARTICLE 75

Les Parties s'engagent à fournir au Tribunal, dans la plus large mesure qu'Elles jugeront possible, tous les moyens nécessaires pour la décision du litige.

ARTICLE 76



Neither the questions put nor the remarks made by members of the tribunal in the course of discussions can be regarded as an expression of opinion by the tribunal in general, or by its members in particular.

ARTICLE 73

The tribunal is authorized to declare its competence in interpreting the *compromis* as well as the other acts and documents which may be invoked, and in applying the principles of law.

ARTICLE 74

The tribunal is entitled to issue rules of procedure for the conduct of the case, to decide the forms, *order* and time within which each party must conclude its arguments, and to arrange all the formalities required for dealing with the evidence.

ARTICLE 75

The parties undertake to supply the tribunal, as fully as they consider possible, with all the information required for deciding the case.

ARTICLE 76

For all notices which the tribunal has to serve in the territory of a third contracting power, the tribunal shall apply direct to the government of that power. The same rule applies in the case of steps being taken to procure evidence on the spot.

The requests for this purpose are to be executed as far as the means at the disposal of the power applied to under its municipal law allow. They can not be rejected unless the power in question considers them calculated to impair its own sovereign rights or its safety.

The court will equally be always entitled to act through the power on whose territory it sits.

ARTICLE 77

Les agents et les conseils des Parties ayant présenté tous les éclaircissements et preuves à l'appui de leur cause, le Président prononce la clôture des débats.

ARTICLE 78

Les délibérations du Tribunal ont lieu à huis clos et restent secrétes.

Toute décision est prise à la majorité de ses membres.

ARTICLE 79

La sentence arbitrale est motivée. Elle mentionne les noms des arbitres; elle est signée par le Président et par le greffier ou le secrétaire faisant fonctions de greffier.

ARTICLE 80

La sentence est lue en séance publique, les agents et les conseils des Parties présents ou dûment appelés.

ARTICLE 81

La sentence, dûment prononcée, et notifiée aux agents des Parties, décide définitivement et sans appel la contestation.

ARTICLE 82

Tout différend qui pourrait surgir entre les Parties, concernant l'interprétation et l'exécution de la sentence, sera, sauf stipulation contraire, soumis au jugement du Tribunal qui l'a rendue.

ARTICLE 83

Les Parties peuvent se réserver dans le compromis de demander la révision de la sentence arbitrale.

Dans ce cas, et sauf stipulation contraire, la demande doit être adressée au Tribunal qui a rendu la sentence. Elle ne peut être motivée que par la découverte d'un fait nouveau qui eût été de nature à exercer une influence décisive sur la sentence et qui, lors de la clôture des débats, était inconnu du Tribunal lui-même et de la Partie qui a demandé la révision.

ARTICLE 77

When the agents and counsel of the parties have submitted all the explanations and evidence in support of their case, the President shall declare the discussion closed.

ARTICLE 78

The tribunal considers its decisions in private and *the proceedings remain secret.*

All questions are decided by a majority of the members of the tribunal.

ARTICLE 79

The award must give the reasons on which it is based. *It contains the names of the arbitrators; it is signed by the President and Registrar or by the Secretary acting as Registrar.*

ARTICLE 80

The award is read out in public sitting, the agents and counsel of the parties being present or duly summoned to attend.

ARTICLE 81

The award, duly pronounced and notified to the agents of the parties, settles the dispute definitively and without appeal.

ARTICLE 82

Any dispute arising between the parties as to the interpretation and execution of the award shall, in the absence of an agreement to the contrary, be submitted to the tribunal which pronounced it.

ARTICLE 83

The parties can reserve in the *compromis* the right to demand the revision of the award.

In this case and unless there be an agreement to the contrary, the demand must be addressed to the tribunal which pronounced the award. It can only be made on the ground of the discovery of some new fact calculated to exercise a decisive influence upon the award and which was unknown to the tribunal and to the party which demanded the revision at the time the discussion

[redacted]

[redacted]

[redacted]

was closed. Proceedings for revision can only be instituted by a decision of the tribunal expressly recording the existence of the new fact, recognizing in it the character described in the preceding paragraph, and declaring the demand admissible on this ground.

The *compromis* fixes the period within which the demand for revision must be made.

ARTICLE 84

The award is not binding except on the parties in dispute.

When it concerns the interpretation of a convention to which powers other than those in dispute are parties, they shall inform all the signatory powers in good time. Each of these powers is entitled to intervene in the case. If one or more avail themselves of this right, the interpretation contained in the award is equally binding on them.

ARTICLE 85

Each party pays its own expenses and an equal share of the expenses of the tribunal.

CHAPTER IV.—*Arbitration by Summary Procedure*

ARTICLE 86

With a view to facilitating the working of the system of arbitration in disputes admitting of a summary procedure, the contracting powers adopt the following rules, which shall be observed in the absence of other arrangements and subject to the reservation that the provisions of Chapter III apply so far as may be.

ARTICLE 87

Each of the parties in dispute appoints an arbitrator. The two arbitrators thus selected choose an umpire. If they do not agree on this point, each of them proposes two candidates taken from the general list of the members of the Permanent Court exclusive of

dehors des Membres indiqués par chacune des Parties Elles-mêmes et n'étant les nationaux d'aucune d'Elles; le sort détermine lequel des candidats ainsi présentés sera le surarbitre.

Le surarbitre préside le Tribunal, qui rend ses décisions à la majorité des voix.

ARTICLE 88

A défaut d'accord préalable, le Tribunal fixe, dès qu'il est constitué, le délai dans lequel les deux Parties devront lui soumettre leurs mémoires respectifs.

ARTICLE 89

Chaque Partie est représentée devant le Tribunal par un agent qui sert d'intermédiaire entre le Tribunal et le Gouvernement qui l'a désigné.

ARTICLE 90

La procédure a lieu exclusivement par écrit. Toutefois, chaque Partie a le droit de demander la comparution de témoins et d'experts. Le Tribunal a, de son côté, la faculté de demander des explications orales aux agents des deux Parties, ainsi qu'aux experts et aux témoins dont il juge la comparution utile.

TITRE V.—DISPOSITIONS FINALES



the members appointed by either of the parties and not being nationals of either of them; which of the candidates thus proposed shall be the umpire is determined by lot.

The umpire presides over the tribunal, which gives its decisions by a majority of votes.

ARTICLE 88

In the absence of any previous agreement the tribunal, as soon as it is formed, settles the time within which the two parties must submit their respective cases to it.

ARTICLE 89

Each party is represented before the tribunal by an agent, who serves as intermediary between the tribunal and the government who appointed him.

ARTICLE 90

The proceedings are conducted exclusively in writing. Each party, however, is entitled to ask that witnesses and experts should be called. The tribunal has, for its part, the right to demand oral explanations from the agents of the two parties, as well as from the experts and witnesses whose appearance in court it may consider useful.

PART V.—FINAL PROVISIONS

ARTICLE 91

The present convention, duly ratified, shall replace, as between the contracting powers, the convention for the pacific settlement of international disputes of the 29th July, 1899.

ARTICLE 92

The present convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a procès-verbal signed by the representatives of the powers which take part therein and by the Netherland Minister for Foreign Affairs.

Les dépôts ultérieurs de ratifications se feront au moyen d'une notification écrite, adressée au Gouvernement des Pays-Bas et accompagnée de l'instrument de ratification.

Copie certifiée conforme du procès-verbal relatif au premier dépôt de ratifications, des notifications mentionnées à l'alinéa précédent, ainsi que des instruments de ratification, sera immédiatement remise, par les soins du Gouvernement des Pays-Bas et par la voie diplomatique, aux Puissances conviées à la Deuxième Conférence de la Paix, ainsi qu'aux autres Puissances qui auront adhéré à la Convention. Dans les cas visés par l'alinéa précédent, ledit Gouvernement Leur fera connaître en même temps la date à laquelle il a reçu la notification.

ARTICLE 93

Les Puissances non signataires qui ont été conviées à la Deuxième Conférence de la Paix pourront adhérer à la présente Convention.

La Puissance qui désire adhérer notifie par écrit son intention au Gouvernement des Pays-Bas en lui transmettant l'acte d'adhésion qui sera déposé dans les archives dudit Gouvernement.

Ce Gouvernement transmettra immédiatement à toutes les autres Puissances conviées à la Deuxième Conférence de la Paix copie certifiée conforme de la notification ainsi que de l'acte d'adhésion, en indiquant la date à laquelle il a reçu la notification.

ARTICLE 94

Les conditions auxquelles les Puissances qui n'ont pas été conviées à la Deuxième Conférence de la Paix, pourront adhérer à la présente Convention, formeront l'objet d'une entente ultérieure entre les Puissances contractantes.

ARTICLE 95

La présente Convention produira effet, pour les Puissances qui auront participé au premier dépôt de ratifications, soixante jours après la date du procès-verbal de ce dépôt et, pour les Puissances qui ratifieront ultérieurement ou qui adhéreront, soixante jours après la notification de leur ratification ou de leur adhésion aura été reçue par le Gouvernement des Pays-Bas.

The subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the procès-verbal relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, and of the instruments of ratification, shall be immediately sent by the Netherland Government, through the diplomatic channel, to the powers invited to the Second Peace Conference, as well as to those powers which have adhered to the convention. In the cases contemplated in the preceding paragraph, the said Government shall at the same time inform the powers of the date on which it received the notification.

ARTICLE 93

Nonsignatory powers which have been invited to the Second Peace Conference may adhere to the present convention.

The power which desires to adhere notifies its intention in writing to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

This government shall immediately forward to all the other powers invited to the Second Peace Conference a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

ARTICLE 94

The conditions on which the powers which have not been invited to the Second Peace Conference may adhere to the present convention shall form the subject of a subsequent agreement between the contracting powers.

ARTICLE 95

The present convention shall take effect, in the case of the powers which were not a party to the first deposit of ratifications, sixty days after the date of the procès-verbal of this deposit, and, in the case of the powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE 96

S'il arrivait qu'une des Puissances contractantes voulût dénoncer la présente Convention, la dénonciation sera notifiée par écrit au Gouvernement des Pays-Bas qui communiquera immédiatement copie certifiée conforme de la notification à toutes les autres Puissances en leur faisant savoir la date à laquelle il l'a reçue.

La dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée et un an après que la notification en sera parvenue au Gouvernement des Pays-Bas.

ARTICLE 97

Un registre tenu par le Ministère des Affaires Étrangères des Pays-Bas indiquera la date du dépôt de ratifications effectué en vertu de l'article 92 alinéas 3 et 4, ainsi que la date à laquelle auront été reçues les notifications d'adhésion (article 93 alinéa 2) ou de dénonciation (article 96 alinéa 1).

Chaque Puissance contractante est admise à prendre connaissance de ce registre et à en demander des extraits certifiés conformes.

En foi de quoi, les Plénipotentiaires ont revêtu la présente Convention de leurs signatures.

Fait à La Haye, le dix-huit octobre mil neuf cent sept, en un seul exemplaire qui restera déposé dans les archives du Gouvernement des Pays-Bas et dont des copies certifiées conformes, seront remises par la voie diplomatique aux Puissances contractantes.

ARTICLE 96

In the event of one of the contracting parties wishing to denounce the present convention, the denunciation shall be notified in writing to the Netherland Government, which shall immediately communicate a duly certified copy of the notification to all the other powers *informing them of the date on which it was received.*

The denunciation shall only have effect in regard to the notifying power, *and one year after notification has reached the Netherland Government.*

ARTICLE 97

A register kept by the Netherland Minister for Foreign Affairs shall give the date of the deposit of ratifications effected in virtue of Article 92, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 93, paragraph 2) or of denunciation (article 96, paragraph 1) have been received.

Each contracting power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the plenipotentiaries have appended their signatures to the present convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent through the diplomatic channel, to the contracting powers.[1]

[1] On April 2, 1908, the Senate of the United States, in executive session, advised and consented to the ratification of the convention for the pacific settlement of international difficulties, signed October 18, 1907, subject to the following reserve and declaration:

"'Nothing contained inthis convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign state; nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of its traditional attitude toward purely American questions.'

"*Resolved further*, as a part of this act of ratification, that the United States approves this convention with the understanding that recourse to the permanent court for the settlement of differences can be had only by

CONVENTION CONCERNANT LA LIMITATION DE L'EMPLOI DE LA FORCE POUR LE RECOUVREMENT DE DETTES CONTRACTUELLES

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse, etc:

Désireux d'éviter entre les nations des conflits armés d'une origine pécuniaire, provenant de dettes contractuelles, réclamées au Gouvernement d'un pays par le Gouvernement d'un autre pays comme dues à ses nationaux,

Ont résolu de conclure une Convention à cet effet et ont nommé pour Leurs Plénipotentiaires, savoir:

[Dénomination des Plénipotentiaires]

Lesquels, après avoir déposé leurs pleins pouvoirs trouvés en bonne et due forme, sont convenus des dispositions suivantes:

Article 1

Les Puissances contractantes sont convenues de ne pas avoir recours à la force armée pour le recouvrement de dettes contractuelles réclamées au Gouvernement d'un pays par le Gouvernement d'un autre pays comme dues à ses nationaux.

Toutefois, cette stipulation ne pourra être appliquée quand l'État débiteur refuse ou laisse sans réponse une offre d'arbitrage, ou, en cas d'acceptation, rend impossible l'établissement du compromis, ou, après l'arbitrage, manque de se conformer à la sentence rendue.

Article 2

Il est de plus convenu que l'arbitrage, mentionné dans l'alinéa 2 de l'article précédent, sera soumis à la procédure prévue par

CONVENTION RESPECTING THE LIMITATION OF THE EMPLOYMENT OF FORCE FOR THE RECOVERY OF CONTRACT DEBTS

His Majesty the German Emperor, King of Prussia, etc:

Being desirous of avoiding between nations armed conflicts of a pecuniary origin arising from contract debts, which are claimed from the government of one country by the government of another country as due to its nationals,

Have resolved to conclude a convention to this effect, and have appointed the following as their plenipotentiaries:

[Names of plenipotentiaries]

Who, after depositing their full powers, found in good and due form, have agreed upon the following provisions:

Article 1

The contracting powers agree not to have recourse to armed force for the recovery of contract debts claimed from the government of one country by the government of another country as being due to its nationals.

This undertaking is, however, not applicable when the debtor state refuses or neglects to reply to an offer of arbitration, or, after accepting the offer, prevents any *compromis* from being agreed on, or, after the arbitration, fails to submit to the award.

Article 2

It is further agreed that the arbitration mentioned in paragraph 2 of the foregoing article shall be subject to the procedure

agreement thereto through general or special treaties of arbitration heretofore or hereafter concluded between the parties in dispute; and the United States now exercises the option contained in Article 53 of said convention, to exclude the formulation of the 'compromis' by the permanent court, and hereby excludes from the competence of the permanent court the power to frame the 'compromis' required by general or special treaties of arbitration concluded or hereafter to be concluded by the United States, and further expressly declares that the 'compromis' required by any treaty of arbitration to which the United States may be a party shall be settled only by agreement between the contracting parties, unless such treaty shall expressly provide otherwise."—Editor.

le titre IV chapitre III de la Convention de La Haye pour le règlement pacifique des conflits internationaux. Le jugement arbitral détermine, sauf les arrangements particuliers des Parties, le bienfondé de la réclamation, le montant de la dette, le temps et le mode de paiement.

Article 3

La présente Convention sera ratifiée aussitôt que possible.

Les ratifications seront déposées à La Haye.

Le premier dépôt de ratifications sera constaté par un procès-verbal signé par les représentants des Puissances qui y prennent part et par le Ministre des Affaires Étrangères des Pays-Bas.

Les dépôts ultérieurs de ratifications se feront au moyen d'une notification écrite, adressée au Gouvernement des Pays-Bas et accompagnée de l'instrument de ratification.

Copie certifiée conforme du procès-verbal relatif au premier dépôt de ratifications, des notifications mentionnées à l'alinéa précédent, ainsi que des instruments de ratification, sera immédiatement remise, par les soins du Gouvernement des Pays-Bas et par la voie diplomatique, aux Puissances conviées à la Deuxième Conférence de la Paix, ainsi qu'aux autres Puissances qui auront adhéré à la Convention. Dans les cas visés par l'alinéa précédent, ledit Gouvernement leur fera connaître en même temps la date à laquelle il a reçu la notification.

Article 4

Les Puissances non signataires sont admises à adhérer à la présente Convention.

La Puissance qui désire adhérer notifie par écrit son intention au Gouvernement des Pays-Bas en lui transmettant l'acte d'adhésion qui sera déposé dans les archives dudit Gouvernement.

Ce Gouvernement transmettra immédiatement à toutes les autres Puissances conviées à la Deuxième Conférence de la Paix copie certifiée conforme de la notification ainsi que de l'acte d'adhésion, en indiquant la date à laquelle il a reçu la notification

laid down in Part IV, Chapter III, of the Hague convention for the pacific settlement of international disputes. The award shall determine, except where otherwise agreed between the parties, the validity of the claim, the amount of the debt, and the time and mode of payment.

Article 3

The present convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the representatives of the powers taking part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be sent immediately by the Netherland Government, through the diplomatic channel, to the powers invited to the Second Peace Conference, as well as to the other powers which have adhered to the convention. In the cases contemplated in the preceding paragraph, the said Government shall inform them at the same time of the date on which it received the notification.

Article 4

Non-signatory powers may adhere to the present convention.

The power which desires to adhere notifies its intention in writing to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

The said Government shall forward immediately to all the other powers invited to the Second Peace Conference a duly certified copy of the notification, as well as of the act of adhesion, mentioning the date on which it received the notification.

ARTICLE 5

La présente Convention produira effet pour les Puissances qui auront participé au premier dépôt de ratifications, soixante jours après la date du procès-verbal de ce dépôt, pour les Puissances qui ratifieront ultérieurement ou qui adhèreront, soixante jour après que la notification de leur ratification ou de leur adhésion aura été reçue par le Gouvernement des Pays-Bas.

ARTICLE 6

S'il arrivait qu'une des Puissances contractantes voulût dénoncer la présente Convention, la dénonciation sera notifiée par écrit au Gouvernement des Pays-Bas qui communiquera immédiatement copie certifiée conforme de la notification à toutes les autres Puissances en leur faisant savoir la date à laquelle il l'a reçue.

La dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée et un an après que la notification en sera parvenue au Gouvernement des Pays-Bas.

ARTICLE 7

Un registre tenu par le Ministère des Affaires Étrangères des Pays-Bas indiquera la date du dépôt de ratifications effectué en vertu de l'article 3 alinéas 3 et 4, ainsi que la date à laquelle auront été reçues les notifications d'adhésion (article 4 alinéa 2) ou de dénonciation (article 6 alinéa 1).

Chaque Puissance contractante est admise à prendre connaissance de ce registre et à en demander des extraits certifiés conformes.

En foi de quoi, les Plénipotentiaires ont revêtu la présente Convention de leurs signatures.

Fait à La Haye, le dix-huit octobre mil neuf cent sept, en un seul exemplaire qui restera déposé dans les archives du Gouvernement des Pays-Bas et dont des copies certifiées conformes seront remises par la voie diplomatique aux Puissances contractantes.

ARTICLE 5

The present convention shall come into force, in the case of the powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of this deposit, in the case of the powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE 6

In the event of one of the contracting powers wishing to denounce the present convention, the denunciation shall be notified in writing to the Netherland Government, which shall immediately communicate a duly certified copy of the notification to all the other powers, informing them at the same time of the date on which it was received.

The denunciation shall only have effect in regard to the notifying power, and one year after the notification has reached the Netherland Government.

ARTICLE 7

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 3, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 4, paragraph 2) or of denunciation (Article 6, paragraph 1) were received.

Each contracting power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the plenipotentiaries have appended their signatures to the present convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent to the contracting powers through the diplomatic channel.[1]

[1] On April 17, 1908, the Senate of the United States, in executive session, advised and consented as follows to the ratification of the convention

CONVENTION RELATIVE À L'OUVERTURE DES HOSTILITIÉS

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse, etc:

Considérant que, pour la sécurité des relations pacifiques, il importe que les hostilités ne commencent pas sans un avertissement préalable;

Qu'il importe, de même, que l'état de guerre soit notifié sans retard aux Puissances neutres;

Désirant conclure une Convention à cet effet, ont nommé pour Leurs Plénipotentiaires, savoir:

[Dénomination des Plénipotentiaires]

Lesquels, après avoir déposé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des dispositions suivantes:

Article 1

Les Puissances contractantes reconnaissent que les hostilités entre elles ne doivent pas commencer sans un avertissement préalable et non équivoque, qui aura, soit la forme d'une déclaration de guerre motivée, soit celle d'un ultimatum avec déclaration de guerre conditionnelle.

Article 2

L'état de guerre devra être notifié sans retard aux Puissances neutres et ne produira effet à leur égard qu'après réception d'une notification qui pourra être faite même par voie télégraphique. Toutefois les Puissances neutres ne pourraient invoquer l'absence de notification, s'il était établi d'une manière non douteuse qu'en fait elles connaissaient l'état de guerre.

Article 3

L'article 1 de la présente Convention produira effet en cas de guerre entre deux ou plusieurs des Puissances contractantes.

CONVENTION RELATIVE TO THE OPENING OF HOSTILITIES

His Majesty the German Emperor, King of Prussia, etc:

Considering that it is important, in order to insure the maintenance of pacific relations, that hostilities should not commence without previous warning.

That it is equally important that the existence of a state of war should be notified without delay to neutral powers;

Being desirous of concluding a convention to this effect, have appointed the following as their plenipotentiaries:

[Names of plenipotentiaries]

Who, after depositing their full powers, found in good and due form, have agreed on the following provisions:

ARTICLE 1

The contracting powers recognize that hostilities between themselves must not commence without previous and explicit warning, in the form either of a reasoned declaration of war or of an ultimatum with conditional declaration of war.

ARTICLE 2

The existence of a state of war must be notified to the neutral powers without delay, and shall not take effect in regard to them until after the receipt of a notification, which may, however, be given by telegraph. Neutral powers, nevertheless, can not rely on the absence of notification if it is clearly established that they were in fact aware of the existence of a state of war.

ARTICLE 3

Article 1 of the present convention shall take effect in case of war between two or more of the contracting powers.

respecting the limitation of the employment of force for the recovery of contract debts, signed October 18, 1907:

"*Resolved further*, as a part of this act of ratification, that the United States approves this convention with the understanding that recourse to the permanent court for the settlement of the differences referred to in said convention can be had only by agreement thereto through general or special treaties of arbitration heretofore or hereafter concluded between the parties in dispute."—EDITOR.

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]



Article 2 is binding as between a belligerent power which is a party to the convention and neutral powers which are also parties to the convention.

ARTICLE 4

The present convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the representatives of the powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government through the diplomatic channel to the powers invited to the Second Peace Conference, as well as to the other powers which have adhered to the convention. In the cases contemplated in the preceding paragraph, the said Government shall at the same time inform them of the date on which it received the notification.

ARTICLE 5

Non-signatory powers may adhere to the present convention.

The power which wishes to adhere notifies in writing its intention to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

The said Government shall at once forward to all the other powers a duly certified copy of the notification as well as of the act of adhesion, stating the date on which it received the notification.

ARTICLE 6

The present convention shall come into force, in the case of the powers which were a party to the first deposit of ratifications,

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]



sixty days after the date of the *procès-verbal* of that deposit, and, in the case of the powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE 7

In the event of one of the high contracting parties wishing to denounce the present convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the other powers, informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying power, and one year after the notification has reached the Netherland Government.

ARTICLE 8

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 4, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 5, paragraph 2) or of denunciation (Article 7, paragraph 1) have been received.

Each contracting power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the plenipotentiaries have appended their signatures to the present convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the powers which have been invited to the Second Peace Conference.[1]

[1] On March 10, 1908, the Senate of the United States, in executive session, advised and consented to the ratification of the convention relative to the opening of hostilities, signed October 18, 1907.—EDITOR.

jours après la date du procès-verbal de ce dépôt, et, pour les Puissances qui ratifieront ultérieurement ou qui adhéreront, soixante jours après que la notification de leur ratification ou de leur adhésion aura été reçue par le Gouvernement des Pays-Bas.

ARTICLE 7

S'il arrivait qu'une des Hautes Parties contractantes voulût dénoncer la présente Convention, la dénonciation sera notifiée par écrit au Gouvernement des Pays-Bas que communiquera immédiatement copie certifiée conforme de la notification à toutes les autres Puissances en leur faisant savoir la date à laquelle il l'a reçue.

La dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée et un an après quel la notification en sera parvenue au Gouvernement des Pays-Bas.

ARTICLE 8

Un registre tenu par le Ministère des Affaires Étrangères des Pays-Bas indiquera la date du dépôt de ratifications effectué en vertu de l'article 4 alinéas 3 et 4, ainsi que la date à laquelle auront été reçues les notifications d'adhésion (article 5 alinéa 2) ou de dénonciation (article 7 alinéa 1).

Chaque Puissance contractante est admise à prendre connaissance de ce registre et à en demander des extraits certifiés conformes.

En foi de quoi, les Plénipotentiaires ont revêtu la présente Convention de leurs signatures.

Fait à La Haye, le dix-huit octobre mil neuf cent sept, en un seul exemplaire qui restera déposé dans les archives du Gouvernement des Pays-Bas et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances qui ont été conviées à la Deuxième Conférence de la Paix.

sixty days after the date of the *procès-verbal* of that deposit, and, in the case of the powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE 7

In the event of one of the high contracting parties wishing to denounce the present convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the other powers, informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying power, and one year after the notification has reached the Netherland Government.

ARTICLE 8

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 4, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 5, paragraph 2) or of denunciation (Article 7, paragraph 1) have been received.

Each contracting power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the plenipotentiaries have appended their signatures to the present convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the powers which have been invited to the Second Peace Conference.[1]

[1] On March 10, 1908, the Senate of the United States, in executive session, advised and consented to the ratification of the convention relative to the opening of hostilities, signed October 18, 1907.—EDITOR.

CONVENTION CONCERNANT LES LOIS ET COUTUMES DE LA GUERRE SUR TERRE

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse, etc:

Considérant que, tout en recherchant les moyens de sauvegarder la paix et de prévenir les conflits armés entre les nations, il importe de se préoccuper également du cas où l'appel aux armes serait amenè par des évènements que leur sollicitude n'aurait pu détourner;

Animés du désir de servir encore, dans cette hypothèse extrême, les intérêts de l'humanité et les exigences toujours progressives de la civilisation;

Estimant qu'il importe, à cette fin, de réviser les lois et coutumes générales de la guerre, soit dans le but de les définir avec plus de précision, soit afin d'y tracer certaines limites destinées à en restreindre autant que possible les rigueurs;

Ont jugé nécessaire de compléter et de préciser sur certains points l'œuvre de la Première Conférence de la Paix qui, s'inspirant, à la suite de la Conférence de Bruxelles de 1874, de ces idées recommandées par une sage et généreuse prévoyance, a adopté des dispositions ayant pour objet de définir et de régler les usages de la guerre sur terre.

Selon les vues des Hautes Parties contractantes, ces dispositions, dont la rédaction a été inspirée par le désir de diminuer les maux de la guerre, autant que les nécessités militaires le permettent, sont destinées à servir de règle générale de conduite aux belligérants, dans leurs rapports entre eux et avec les populations.

Il n'a pas été possible toutefois de concerter dés maintenant des stipulations s'étendant à toutes les circonstances qui se présentent dans la pratique;

D'autre part, il ne pouvait entrer dans les intentions des Hautes Parties contractantes que les cas non prévus fussent, faute de stipulation écrite, laissées à l'appreciation arbitraire de ceux qui dirigent les armées.

En attendant qu'un Code plus complet des lois de la guerre puisse être édicté, les Hautes Parties contractantes jugent opportun de constater que, dans les cas non compris dans les dis-

CONVENTION RESPECTING THE LAWS AND CUSTOMS OF WAR ON LAND[1]

His Majesty the German Emperor, King of Prussia, etc:

Seeing that, while seeking means to preserve peace and prevent armed conflicts between nations, it is likewise necessary to bear in mind the case where the appeal to arms has been brought about by events which their care was unable to avert;

Animated by the desire to serve, even in this extreme case, the interests of humanity and the ever progressive needs of civilization;

Thinking it important, with this object, to revise the general laws and customs of war, either with a view to defining them with greater precision or to confining them within such limits as would mitigate their severity as far as possible;

Have deemed it necessary to complete and explain in certain particulars the work of the First Peace Conference, which, following on the Brussels Conference of 1874, and inspired by the ideas dictated by a wise and generous forethought, adopted provisions intended to define and govern the usages of war on land.

According to the views of the high contracting parties, these provisions, the wording of which has been inspired by the desire to diminish the evils of war, as far as military requirements permit, are intended to serve as a general rule of conduct for the belligerents in their mutual relations and in their relations with the inhabitants.

It has not, however, been found possible at present to concert regulations covering all the circumstances which arise in practice;

On the other hand, the high contracting parties clearly do not intend that unforeseen cases should, in the absence of a written undertaking, be left to the arbitrary judgment of military commanders.

Until a more complete code of the laws of war has been issued, the high contracting parties deem it expedient to declare that, in cases not included in the regulations adopted by them, the

[1] Articles and clauses in italics indicate the differences between the conventions of 1899 and 1907.

positions réglementaires adoptées par Elles, les populations et les belligérants restent sous la sauvegarde et sous l'empire des principes du droit des gens, tels qu'ils résultent des usages établis entre nations civilisées, des lois de l'humanité et des exigences de la conscience publique.

Elles déclarent que c'est dans ce sens que doivent s'entendre notamment les articles 1 et 2 du Règlement adopté.

Les Hautes Parties contractantes, désirant conclure une nouvelle Convention a cet effet, ont nommé pour Leurs Plénipotentiaires, savoir:

[Dénomination des Plénipotentiaires]

Lesquels, après avoir déposé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus de ce qui suit:

ARTICLE 1

Les Puissances contractantes donneront à leurs forces armées de terre des instructions qui seront conformes au Règlement concernant les lois et coutumes de la guerre sur terre, annexé à la présente Convention.

ARTICLE 2

Les dispositions contenues dans le Règlement visé à l'article 1er ainsi que dans la présente Convention, ne sont applicables qu'entre les Puissances contractantes et seulement si les belligérants sont tous parties à la Convention.

ARTICLE 3

La Partie belligérante qui violerait les dispositions dudit Règlement sera tenue à indemnité, s'il y a lieu. Elle sera responsable de tous actes commis par les personnes faisant partie de sa force armée.

ARTICLE 4

La présente Convention dûment ratifiée remplacera, dans les rapports entre les Puissances contractantes, la Convention du 29 juillet 1899 concernant les lois et coutumes de la guerre sur terre.

inhabitants and the belligerents remain under the protection and the rule of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity, and the dictates of the public conscience.

They declare that it is in this sense especially that Articles 1 and 2 of the regulations adopted must be understood.

The high contracting parties, wishing to conclude a fresh convention to this effect, have appointed the following as their plenipotentiaries:

[Names of plenipotentiaries]

Who, after having deposited their full powers, found in good and due form, have agreed upon the following:

ARTICLE 1

The contracting powers shall issue instructions to their armed land forces which shall be in conformity with the regulations respecting the laws and customs of war on land, annexed to the present convention.

ARTICLE 2

The provisions contained in the regulations referred to in Article 1, *as well as in the present convention,* do not apply except between contracting powers, and then only if all the belligerents are parties to the convention.

ARTICLE 3

A belligerent party which violates the provisions of the said regulations shall, if the case demands, be liable to pay compensation. It shall be responsible for all acts committed by persons forming part of its armed forces.

ARTICLE 4

The present convention, duly ratified, shall, as between the contracting powers, be substituted for the convention of the 29th July, 1899, respecting the laws and customs of war on land.

Puissances qui ratifieront ultérieurement ou qui adhéreront, soixante jours après que la notification de leur ratification ou de leur adhésion aura été reçue par le Gouvernement des Pays-Bas

ARTICLE 8

S'il arrivait qu'une des Puissances contractantes voulût dénoncer la présente Convention, la dénonciation sera notifiée par écrit au Gouvernement des Pays-Bas qui communiquera immédiatement copie certifiée conforme de la notification à toutes les autres Puissances en leur faisant savoir la date à laquelle il l'a reçue.

La dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée et un an après que la notification en sera parvenue au Gouvernement des Pays-Bas.

ARTICLE 9

Un registre tenu par le Ministère des Affaires Étrangères des Pays-Bas indiquera la date du dépôt de ratifications effectué en vertu de l'article 5 alinéas 3 et 4 ainsi que la date à laquelle auront été reçues les notifications d'adhésion (article 6 alinéa 2) ou de dénonciation (article 8 alinéa 1).

Chaque Puissance contractante est admise à prendre connaissance de ce registre et à en demander des extraits certifiés conformes.

En foi de quoi, les Plénipotentiaires ont revêtu la présente Convention de leurs signatures.

Fait à La Haye, le dix-huit octobre mil neuf cent sept, en un seul exemplaire qui restera déposé dans les archives du Gouvernement des Pays-Bas et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances qui ont été conviées à la Deuxième Conférence de la Paix.

of the powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE 8

In the event of one of the contracting powers wishing to denounce the present convention, the denunciation *shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the other powers, informing them of the date on which it was received.*

The denunciation shall only have effect in regard to the notifying power, and one year after the notification has reached the Netherland Government.

ARTICLE 9

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 5, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 6, paragraph 2) or of denunciation (Article 8, paragraph 1) were received.

Each contracting power is entitled to have access to this register and to be supplied with duly certified extracts.

In faith whereof the plenipotentiaries have appended their signatures to the present convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the powers which have been invited to the Second Peace Conference.

ANNEXE À LA CONVENTION

RÈGLEMENT CONCERNANT LES LOIS ET COUTUMES DE LA GUERRE SUR TERRE

SECTION 1.—Des Belligérants

Chapitre 1.— *De la qualité de belligérant*

Article 1

Les lois, les droits et les devoirs de la guerre ne s'appliquent pas seulement à l'armée, mais encore aux milices et aux corps de volontaires réunissant les conditions suivantes:

1 °. d'avoir à leur tête une personne responsable pour ses subordonnés;

2 °. d'avoir un signe distinctif fixe et reconnaissable à distance;

3 °. de porter les armes ouvertement et

4 °. de se conformer dans leurs opérations aux lois et coutumes de la guerre.

Dans les pays où les milices ou des corps de volontaires constituent l'armée ou en font partie, ils sont compris sous la dénomination d'*armée.*

Article 2

La population d'un territoire non occupé qui, à l'approche de l'ennemi, prend spontanément les armes pour combattre les troupes d'invasion sans avoir eu le temps de s'organiser conformément à l'article premier, sera considérée comme belligérante si elle porte les armes ouvertement et si elle respecte les lois et coutumes de la guerre.

Article 3

Les forces armées des parties belligérantes peuvent se composes de combattants et de non-combattants. En cas de capture par l'ennemi, les uns et les autres ont droit au traitement des prisonniers de guerre.

ANNEX TO THE CONVENTION

REGULATIONS RESPECTING THE LAWS AND CUSTOMS OF WAR ON LAND

SECTION I.—On Belligerents

Chapter I.—*The Qualifications of Belligerents*

Article 1

The laws, rights, and duties of war apply not only to armies, but also to militia and volunteer corps fulfilling the following conditions:

1. To be commanded by a person responsible for his subordinates;
2. To have a fixed distinctive emblem recognizable at a distance;
3. To carry arms openly; and
4. To conduct their operations in accordance with the laws and customs of war.

In countries where militia or volunteer corps constitute the army, or form part of it, they are included under the denomination "army."

Article 2

The inhabitants of a territory which has not been occupied, who, on the approach of the enemy, spontaneously take up arms to resist the invading troops without having had time to organize themselves in accordance with Article 1, shall be regarded as belligerents *if they carry arms openly* and if they respect the laws and customs of war.

Article 3

The armed forces of the belligerent parties may consist of combatants and non-combatants. In the case of capture by the enemy, both have a right to be treated as prisoners of war.

CHAPITRE II.—*Des prisonniers de guerre*

ARTICLE 4

Les prisonniers de guerre sont au pouvoir de Gouvernement ennemi, mais non des individus ou des corps qui les ont capturés.

Ils doivent être traités avec humanité.

Tout ce qui leur appartient personnellement, excepté les armes, les chevaux et les papiers militaires, reste leur propriété.

ARTICLE 5

Les prisonniers de guerre peuvent être assujettis à l'internement dans une ville, forteresse, camp ou localité quelconque, avec obligation de ne pas s'en éloigner au delà de certaines limites déterminées; mais ils ne peuvent être enfermés que par mesure de sûreté indispensable, et seulement pendant la durée des circonstances qui nécessitent cette mesure.

ARTICLE 6

L'État peut employer, comme travailleurs, les prisonniers de guerre, selon leur grade et leurs aptitudes, à l'exception des officiers. Ces travaux ne seront pas excessifs et n'auront aucun rapport avec les opérations de la guerre.

Les prisonniers peuvent être autorisés à travailler pour le compte d'administrations publiques ou de particuliers, ou pour leur propre compte.

Les travaux faits pour l'État sont payés d'après les tarifs en vigeur pour les militaires de l'armée nationale exécutant les mêmes travaux, ou, s'il n'en existe pas, d'après un tarif en rapport avec les travaux exécutés.

Lorsque les travaux ont lieu pour le compte d'autres administrations publiques ou pour des particuliers, les conditions en sont réglées d'accord avec l'autorité militaire.

Le salaire des prisonniers contribuera à adoucir leur position, et le surplus leur sera compté au moment de leur libération, sauf défalcation des frais d'entretien.

ARTICLE 7

Le Gouvernement au pouvoir duquel se trouvent les prisonniers de guerre est chargé de leur entretien.

CHAPTER II.—*Prisoners of War*

ARTICLE 4

Prisoners of war are in the power of the hostile government, but not of the individuals or corps who capture them.

They must be humanely treated.

All their personal belongings, except arms, horses, and military papers, remain their property.

ARTICLE 5

Prisoners of war may be interned in a town, fortress, camp, or other place, and bound not to go beyond certain fixed limits; but they can not be confined except as an indispensable measure of safety and *only while the circumstances which necessitate the measure continue to exist.*

ARTICLE 6

The state may utilize the labor of prisoners of war according to their rank and aptitude, *officers excepted.* The tasks shall not be excessive and shall have no connection with the operations of the war.

Prisoners may be authorized to work for the public service, for private persons, or on their own account.

Work done for the state is paid at the rates in force for work of a similar kind done by soldiers of the national army, or, *if there are none in force, at a rate according to the work executed.*

When the work is for other branches of the public service or for private persons the conditions are settled in agreement with the military authorities.

The wages of the prisoners shall go towards improving their position, and the balance shall be paid them on their release, after deducting the cost of their maintenance.

ARTICLE 7

The government into whose hands prisoners of war have fallen is charged with their maintenance.

A défaut d'une entente spéciale entre les belligérants, les prisonniers de guerre seront traités pour la nourriture, le couchage et l'habillement, sur le même pied que les troupes du Gouvernement qui les aura capturés.

ARTICLE 8

Les prisonniers de guerre seront soumis aux lois, règlements et ordres en vigueur dans l'armée de l'État au pouvoir duquel ils se trouvent. Tout acte d'insubordination autorise, à leur égard, les mesures de rigueur nécessaires.

Les prisonniers évadés, qui seraient repris avant d'avoir pu rejoindre leur armée ou avant de quitter le territoire occupé par l'armée qui les aura capturés, sont passibles de peines disciplinaires.

Les prisonniers qui, après avoir réussi à s'évader, sont de nouveau faits prisonniers, ne sont passibles d'aucune peine pour la fuite antérieure.

ARTICLE 9

Chaque prisonnier de guerre est tenu de déclarer, s'il est interrogé à ce sujet, ses véritables noms et grade et, dans le cas où il enfreindrait cette règle, il s'exposerait à une restriction des avantages accordés aux prisonniers de guerre de sa catégorie.

ARTICLE 10

Les prisonniers de guerre peuvent être mis en liberté sur parole, si les lois de leur pays les y autorisent, et, en pareil cas, ils sont obligés, sous la garantie de leur honneur personnel, de remplir scrupuleusement, tant vis-à-vis de leur propre Gouvernement que vis-à-vis de celui qui les a faits prisonniers, les engagements qu'ils auraient contractés.

Dans le même cas, leur propre Gouvernement est tenu de n'exiger ni accepter d'eux aucun service contraire à la parole donnée.

ARTICLE 11

Un prisonnier de guerre ne peut être contraint d'accepter sa liberté sur parole; de même le Gouvernement ennemi n'est pas obligé d'accéder à la demande du prisonnier réclamant sa mise en liberté sur parole.

In the absence of a special agreement between the belligerents, prisoners of war shall be treated as regards board, lodging, and clothing on the same footing as the troops of the government who captured them.

ARTICLE 8

Prisoners of war shall be subject to the laws, regulations, and orders in force in the army of the state in whose power they are. Any act of insubordination justifies the adoption towards them of such measures of severity as may be considered necessary.

Escaped prisoners who are retaken before being able to rejoin their own army or before leaving the territory occupied by the army which captured them are liable to disciplinary punishment.

Prisoners who, after succeeding in escaping, are again taken prisoners, are not liable to any punishment on account of the previous flight.

ARTICLE 9

Every prisoner of war is bound to give, if he is questioned on the subject, his true name and rank, and if he infringes this rule, he is liable to have the advantages given to prisoners of his class curtailed.

ARTICLE 10

Prisoners of war may be set at liberty on parole if the laws of their country allow, and, in such cases, they are bound, on their personal honor, scrupulously to fulfill, both towards their own government and the government by whom they were made prisoners, the engagements they have contracted.

In such cases their own government is bound neither to require of nor accept from them any service incompatible with the parole given.

ARTICLE 11

A prisoner of war can not be compelled to accept his liberty on parole; similarly the hostile government is not obliged to accede to the request of the prisoner to be set at liberty on parole.

ARTICLE 12

Tout prisonnier de guerre, libéré sur parole et repris portant les armes contre le Gouvernement envers lequel il s'était engagé d'honneur, ou contre les alliés de celui-ci, perd le droit au traitement des prisonniers de guerre et peut être traduit devant les tribunaux.

ARTICLE 13

Les individus qui suivent une armée sans en faire directement partie, tels que les correspondants et les reporters de journaux, les vivandiers, les fournisseurs, qui tombent au pouvoir de l'ennemi et que celui-ci juge utile de détenir, ont droit au traitement des prisonniers de guerre, à condition qu'ils soient munis d'une légitimation de l'autorité militaire de l'armée qu'ils accompagnaient.

ARTICLE 14

Il est constitué, dès le début des hostilités, dans chacun des États belligérants, et, le cas échéant, dans les pays neutres qui auront recueilli des belligérants sur leur territoire, un bureau de renseignements sur les prisonniers de guerre. Ce bureau, chargé de répondre à toutes les demandes qui les concernent, reçoit des divers services compétents toutes les indications relatives aux internements et aux mutations, aux mises en liberté sur parole, aux échanges, aux évasions, aux entrées dans les hôpitaux, aux décès, ainsi que les autres renseignements nécessaires pour établir et tenir à jour une fiche individuelle pour chaque prisonnier de guerre. Le bureau devra porter sur cette fiche le numéro matricule, les nom et prénom, l'âge, le lieu d'origine, le grade, le corps de troupe, les blessures, la date et le lieu de la capture, de l'internement, des blessures et de la mort, ainsi que toutes les observations particulières. La fiche individuelle sera remise au Gouvernement de l'autre belligérant après la conclusion de la paix.

Le bureau de renseignements est également chargé de recueillir et de centraliser tous les objets d'un usage personnel, valeurs, lettres, etc., qui seront trouvés sur les champs de bataille ou délaissés par des prisonniers libérés sur parole, échangés, évadés ou décédés dans les hôpitaux et ambulances, et de les transmettre aux intéressés.

ARTICLE 12

Prisoners of war liberated on parole and recaptured bearing arms against the government to whom they had pledged their honor, or against the allies of that government, forfeit their right to be treated as prisoners of war, and can be brought before the courts.

ARTICLE 13

Individuals who follow an army without directly belonging to it, such as newspaper correspondents and reporters, sutlers and contractors, who fall into the enemy's hands and whom the latter thinks expedient to detain, are entitled to be treated as prisoners of war, provided they are in possession of a certificate from the military authorities of the army which they were accompanying.

ARTICLE 14

An inquiry office for prisoners of war is instituted on the commencement of hostilities in each of the belligerent states, and, when necessary, in neutral countries which have received belligerents in their territory. It is the function of this office to reply to all inquires about the prisoners. It receives from the various services concerned full information respecting internments and transfers, *releases on parole, exchanges, escapes,* admissions into hospital, deaths, as well as other information necessary to enable it to *make out* and keep up to date an individual return for each prisoner of war. *The office must state in this return the regimental number, name, and surname, age, place of origin, rank, unit, wounds, date and place of capture, internment, wounding, and death, as well as any observations of a special character. The individual return shall be sent to the government of the other belligerent after the conclusion of peace.*

It is likewise the function of the inquiry office to receive and collect all objects of personal use, valuables, letters, etc., found on the field of battle or left by prisoners who have *been released on parole, or exchanged, or who have escaped,* or died in hospitals or ambulances, and to forward them to those concerned.

ARTICLE 15

Les sociétés de secours pour les prisonniers de guerre, régulièrement constituées selon la loi de leur pays et ayant pour objet d'être les intermédiaires de l'action charitable, recevront de la part des belligérants, pour elles et pour leurs agents dûment accrédités, toute facilité, dans les limites tracées par les nécessités militaires et les règles administratives, pour accomplir efficacement leur tâche d'humanité. Les délégués de ces sociétés pourront être admis à distribuer des secours dans les dépôts d'internement, ainsi qu'aux lieux d'étape des prisonniers rapatriés, moyennant une permission personnelle délivrée par l'autorité militaire, et en prenant l'engagement par écrit de se soumettre à toutes les mesures d'ordre et de police que celle-ci prescrirait.

ARTICLE 16

Les bureaux de renseignements jouissent de la franchise de port. Les lettres, mandats et articles d'argent, ainsi que les colis postaux destinés aux prisonniers de guerre ou expédiés par eux, seront affranchis de toutes les taxes postales, aussi bien dans les pays d'origine et de destination que dans les pays intermédiaires.

Les dons et secours en nature destinés aux prisonniers de guerre seront admis en franchise de tous droits d'entrée et autres, ainsi que des taxes de transport sur les chemins de fer exploités par l'État.

ARTICLE 17

Les officiers prisonniers recevront la solde à laquelle ont droit les officiers de même grade du pays où ils sont retenus, à charge de remboursement par leur Gouvernement.

ARTICLE 18

Toute latitude est laissée aux prisonniers de guerre pour l'exercice de leur religion, y compris l'assistance aux offices de leur culte, à la seule condition de se conformer aux mesures d'ordre et de police prescrites par l'autorité militaire.

ARTICLE 15

Relief societies for prisoners of war, which are properly constituted in accordance with the laws of their country and with the object of serving as the channel for charitable effort, shall receive from the belligerents, for themselves and their duly accredited agents every facility for the efficient performance of their humane task within the bounds imposed by military necessities and administrative regulations. Agents of these societies may be admitted to the places of internment for the purpose of distributing relief, as also to the halting places of repatriated prisoners, if furnished with a personal permit by the military authorities, and on giving an undertaking in writing to comply with all measures of order and police which the latter may issue.

ARTICLE 16

Inquiry offices enjoy the privilege of free postage. Letters, money orders, and valuables, as well as parcels by post, intended for prisoners of war, or dispatched by them, shall be exempt from all postal duties in the countries of origin and destination, as well as in the countries they pass through.

Presents and relief in kind for prisoners of war shall be admitted free of all import or other duties, as well as of payments for carriage by the state railways.

ARTICLE 17

Officers taken prisoners shall receive *the same rate of pay as officers of corresponding rank in the country where they are detained*, the amount to be ultimately refunded by their own government.

ARTICLE 18

Prisoners of war shall enjoy complete liberty in the exercise of their religion, including attendance at the services of whatever church they may belong to, on the sole condition that they comply with the measures of order and police issued by the military authorities.

ARTICLE 19

Les testaments des prisonniers de guerre sont reçus ou dressés dans les mêmes conditions que pour les militaires de l'armée nationale.

On suivra également les mêmes règles en ce qui concerne les pièces relatives à la constatation des décès, ainsi que pour l'inhumation des prisonniers de guerre, en tenant compte de leur grade et de leur rang.

ARTICLE 20

Après la conclusion de la paix, le rapatriement des prisonniers de guerre s'effectuera dans le plus bref délai possible.

CHAPITRE III.—*Des malades et des blessés*

ARTICLE 21

Les obligations des belligérants concernant le service des malades et des blessés sont régies par la Convention de Genève.

SECTION II.—DES HOSTILITÉS

CHAPITRE 1.—*Des moyens de nuire á l'ennemi, des sièges et des bombardements*

ARTICLE 22

Les belligérants n'ont pas un droit illimité quant au choix des moyens de nuire à l'ennemi.

ARTICLE 23

Outre les prohibitions établies par des conventions spéciales, il est notamment interdit:

a. d'employer du poison ou des armes empoisonnées;

b. de tuer ou de blesser par trahison des individus appartenant à la nation ou à l'armée ennemie;

c. de tuer ou de blesser un ennemi qui, ayant mis bas les armes ou n'ayant plus les moyens de se défendre, s'est rendu à discrétion;

d. de déclarer qu'il ne sera pas fait de quartier;

ARTICLE 19

The wills of prisoners of war are received or drawn up in the same way as for soldiers of the national army.

The same rules shall be observed regarding death certificates as well as for the burial of prisoners of war, due regard being paid to their grade and rank.

ARTICLE 20

After the conclusion of peace, the repatriation of prisoners of war shall be carried out as quickly as possible.

CHAPTER III.—*The Sick and Wounded*

ARTICLE 21

The obligations of belligerents with regard to the sick and wounded are governed by the Geneva Convention.

SECTION II.—HOSTILITIES

CHAPTER I.—*Means of Injuring the Enemy, Sieges, and Bombardments*

ARTICLE 22

The right of belligerents to adopt means of injuring the enemy is not unlimited.

ARTICLE 23

In addition to the prohibitions provided by special conventions, it is especially forbidden:

a. To employ poison or poisoned weapons;

b. To kill or wound treacherously individuals belonging to the hostile nation or army;

c. To kill or wound an enemy who, having laid down his arms, or having no longer means of defense, has surrendered at discretion;

d. To declare that no quarter will be given;

e. d'employer des armes, des projectiles ou des matières propres à causer des maux superflus;

f. d'user indûment du pavillon parlementaire, du pavillon national ou des insignes militaires et de l'uniforme de l'ennemi, ainsi que des signes distinctifs de la Convention de Genève;

g. de détruire ou de saisir des propriétés ennemies, sauf les cas où ces destructions ou ces saisies seraient impérieusement commandées par les nécessités de la guerre;

h. de déclarer éteints, suspendus ou non recevables en justice, les droits et actions des nationaux de la Partie adverse.

Il est également interdit à un belligérant de forcer les nationaux de la Partie adverse à prendre part aux opérations de guerre dirigées contre leur pays, même dans le cas où ils auraient été à son service avant le commencement de la guerre.

ARTICLE 24

Les ruses de guerre et l'emploi des moyens nécessaires pour se procurer des renseignements sur l'ennemi et sur le terrain sont considérés comme licites.

ARTICLE 25

Il est interdi d'attaquer ou de bombarder, par quelque moyen que ce soit, des villes, villages, habitations ou bâtiments qui ne sont pas défendus.

ARTICLE 26

Le commandant des troupes assaillantes, avant d'entreprendre le bombardement, et sauf le cas d'attaque de vive force, devra faire tout ce qui dépend de lui pour en avertir les autorités.

ARTICLE 27

Dans les sièges et bombardements, toutes les mesures nécessaires doivent être prises pour épargner, autant que possible, les édifices consacrés aux cultes, aux arts, aux sciences et à la bienfaisance, les monuments historiques, les hôpitaux et les lieux de rassemblement de malades et de blessés, à condition qu'ils ne soient pas employés en même temps à un but militaire.

e. To employ arms, projectiles, or material calculated to cause unnecessary suffering;

f. To make improper use of a flag of truce, of the national flag, or of the military insignia and uniform of the enemy, as well as the distinctive badges of the Geneva Convention;

g. To destroy or seize the enemy's property, unless such destruction or seizure be imperatively demanded by the necessities of war;

h. To declare abolished, suspended, or inadmissable in a court of law the rights and actions of the nationals of the hostile party.

A belligerent is likewise forbidden to compel the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war.

ARTICLE 24

Ruses of war and the employment of measures necessary for obtaining information about the enemy and the country are considered permissible.

ARTICLE 25

The attack or bombardment, by whatever means, of towns, villages, dwellings, or buildings which are undefended is prohibited.

ARTICLE 26

The officer in command of an attacking force must, before commencing a bombardment, except in cases of assault, do all in his power to warn the authorities.

ARTICLE 27

In sieges and bombardments all necessary steps must be taken to spare, as far as possible, buildings dedicated to religion, art, science, or charitable purposes, *historic monuments*, hospitals and places where the sick and wounded are collected, provided they are not being used at the time for military purposes.

Le devoir des assiégés est de désigner ces édifices ou lieux de rassemblement par des signes visibles spéciaux qui seront notifiés d'avance à l'assiégeant.

ARTICLE 28

Il est interdit de livrer au pillage une ville ou localité même prise d'assaut.

CHAPITRE II.—*Des espions*

ARTICLE 29

Ne peut être considéré comme espion que l'individu qui, agissant clandestinement ou sous de faux prétextes, recueille ou cherche à recueillir des informations dans la zône d'opérations d'un belligérant, avec l'intention de les communiquer à la partie adverse.

Ainsi les militaires non déguisés qui ont pénétré dans la zône d'opérations de l'armée ennemie, à l'effet de recueillir des informations, ne sont pas considérés comme espions. De même, ne sont pas considérés comme espions: les militaires et les non militaires, accomplissant ouvertement leur mission, chargés de transmettre des dépêches destinées, soit à leur propre armée, soit à l'armée ennemie. À cette catégorie appartiennent également les individus envoyés en ballon pour transmettre les dé pêches, et, en général, pour entretenir les communications entre les diverses parties d'une armée ou d'un territoire.

ARTICLE 30

L'espion pris sur le fait ne pourra être puni sans jugement préalable.

ARTICLE 31

L'espion qui, ayant rejoint l'armée à laquelle il appartient est capturé plus tard par l'ennemi, est traité comme prisonn'ier de guerre et n'encourt aucune responsabilité pour ses actes despionnage antérieurs.

It is the duty of the besieged to indicate the presence of such buildings or places by distinctive and visible signs, which shall be notified to the enemy beforehand.

ARTICLE 28

The pillage of a town or place, even when taken by assault, is prohibited.

CHAPTER II.—*Spies*

ARTICLE 29

A person can only be considered a spy when, acting clandestinely or on false pretenses, he obtains or endeavors to obtain information in the zone of operations of a belligerent, with the intention of communicating it to the hostile party.

Thus, soldiers not wearing a disguise who have penetrated into the zone of operations of the hostile army, for the purpose of obtaining information, are not considered spies. Similarly, the following are not considered spies: Soldiers and civilians, carrying out their mission openly, intrusted with the delivery of dispatches intended either for their own army or for the enemy's army. To this class belong likewise persons sent in balloons for the purpose of carrying dispatches and, generally, of maintaining communications between the different parts of an army or a territory.

ARTICLE 30

A spy taken in the act shall not be punished without previous trial.

ARTICLE 31

A spy who, after rejoining the army to which he belongs, is subsequently captured by the enemy, is treated as a prisoner of war, and incurs no responsibility for his previous acts of espionage.

Chapitre III.—*Des parlementaires*

Article 32

Est considéré comme parlementaire l'individu autorisé par l'un les belligérants à entrer en pourparlers avec l'autre et se présentant avec le drapeau blanc. Il a droit à l'inviolabilité ainsi que le trompette, clairon ou tambour, le porte-drapeau et l'interprète qui l'accompagneraient.

Article 33

Le chef auquel un parlementaire est expédié n'est pas obligé de le recevoir en toutes circonstances.

Il peut prendre toutes les mesures nécessaires afin d'empêcher le parlementaire de profiter de sa mission pour se renseigner.

Il a le droit, ea cas d'abus, de retenir temporairement le parlementaire.

Article 34

Le parlementaire perd ses droits d'inviolabilité, s'il est prouve, d'une manière positive et irrécusable, qu'il a profité de sa position privilégiée pour provoquer ou commettre un acte de trahison.

Chapitre IV.—*Des capitulations*

Article 35

Les capitulations arrêtées entre les parties contractantes doivent tenir compte des règles de l'honneur militaire.

Une fois fixées, elles doivent être scrupuleusement observées par les deux parties.

Chapitre V.—*De l'armistice*

Article 36

L'armistice suspend les opérations de guerre par un accord mutuel des parties belligérantes. Si la durée n'en est pas déterminée, les parties belligérantes peuvent reprendre en tout temps les opérations, pourvu toutefois que l'ennemi soit averti en temps convenu, conformément aux conditions de l'armistice.

CHAPTER III.—*Flags of Truce*

ARTICLE 32

A person is regarded as bearing a flag of truce who has been authorized by one of the belligerents to enter into communication with the other, and who advances bearing a white flag. He has a right to inviolability, as well as the trumpeter, bugler or drummer, the flag-bearer and interpreter who may accompany him.

ARTICLE 33

The commander to whom a flag of truce is sent is not in all cases obliged to receive it.

He may take all the necessary steps to prevent the envoy taking advantage of his mission to obtain information.

In case of abuse, he has the right to detain the envoy temporarily.

ARTICLE 34

The envoy loses his rights of inviolability if it is proved in a clear and incontestable manner that he has taken advantage of his privileged position to provoke or commit an act of treachery.

CHAPTER IV.—*Capitulations*

ARTICLE 35

Capitulations agreed upon between the contracting parties must take into account the rules of military honor.

Once settled, they must be scrupulously observed by both parties.

CHAPTER V.—*Armistices*

ARTICLE 36

An armistice suspends military operations by mutual agreement between the belligerent parties. If its duration is not defined, the belligerent parties may resume operations at any time, provided always that the enemy is warned within the time agreed upon, in accordance with the terms of the armistice.

ARTICLE 37

L'armistice peut être général ou local. Le premier suspend partout les opérations de guerre des États belligérants; le second, seulement entre certaines fractions des armées belligérantes et dans un rayon déterminé.

ARTICLE 38

L'armistice doit être notifié officiellement et en temps utile aux autorités compétentes et aux troupes. Les hostilités sont suspendues immédiatement après la notification ou au terme fixé.

ARTICLE 39

Il dépend des parties contractantes de fixer, dans les clauses de l'armistice, les rapports qui pourraient avoir lieu, sur le théâtre de la guerre, avec les populations et entre elles.

ARTICLE 40

Toute violation grave de l'armistice, par l'une des parties, donne à l'autre le droit de le dénoncer et même, en cas d'urgence, de reprendre immédiatement les hostilités.

ARTICLE 41

La violation des clauses de l'armistice, par des particuliers



ARTICLE 37

An armistice may be general or local. The first suspends the military operations of the belligerent states everywhere; the second only between certain fractions of the belligerent armies and within a fixed radius.

ARTICLE 38

An armistice must be notified officially and in good time to the competent authorities and to the troops. Hostilities are suspended immediately after the notification, or on the date fixed.

ARTICLE 39

It rests with the contracting parties to settle, in the terms of the armistice, what communications may be held in the theater of war with the inhabitants and between the inhabitants of one belligerent state and those of the other.

ARTICLE 40

Any serious violation of the armistice by one of the parties gives the other party the right of denouncing it, and even, in cases of urgency, of recommencing hostilities immediately.

ARTICLE 41

A violation of the terms of the armistice by private persons acting on their own initiative only entitles the injured party to demand the punishment of the offenders or, if necessary, compensation for the losses sustained.

SECTION III.—MILITARY AUTHORITY OVER THE TERRITORY OF THE HOSTILE STATE

ARTICLE 42

Territory is considered occupied when it is actually placed under the authority of the hostile army.

The occupation extends only to the territory where such authority has been established and can be exercised.

ARTICLE 43

L'autorité du pouvoir légal ayant passé de fait entre les mains de l'occupant, celui-ci prendra toutes les mesures qui dépendent de lui en vue de rétablir et d'assurer, autant qu'il est possible, l'ordre et la vie publics en respectant, sauf empêchement absolu, les lois en vigueur dans le pays.

ARTICLE 44

Il est interdit à un belligérant de forcer la population d'un territoire occupé à donner des renseignements sur l'armée de l'autre belligérant ou sur ses moyens de défense.

ARTICLE 45

Il est interdit de contraindre la population d'un territoire occupé à prêter serment à la Puissance ennemie.

ARTICLE 46

L'honneur et les droits de la famille, la vie des individus et la propriété privée, ainsi que les convictions religieuses et l'exercice des cultes, doivent être respectés.

La propriété privée ne peut pas être confisquée.

ARTICLE 47

Le pillage est formellement interdit.

[redacted]

ARTICLE 43

The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and insure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.

ARTICLE 44

A belligerent is forbidden to force the inhabitants of territory occupied by it to *furnish information about the army of the other belligerent, or about its means of defense.*

ARTICLE 45

It is forbidden to compel the inhabitants of occupied territory to swear allegiance to the hostile power.

ARTICLE 46

Family honor and rights, the lives of persons, and private property, as well as religious convictions and practice, must be respected.

Private property can not be confiscated.

ARTICLE 47

Pillage is formally forbidden.

ARTICLE 48

If, in the territory occupied, the occupant collects the taxes, dues, and tolls, imposed for the benefit of the state, he shall do so, as far as is possible, in accordance with the rules of assessment and incidence in force, and shall in consequence be bound to defray the expenses of the administration of the occupied territory to the same extent as the legitimate government was so bound.

ARTICLE 49

If, in addition to the taxes mentioned in the above article, the occupant levies other money contributions in the occupied territory, this shall only be for the needs of the army or of the administration of the territory in question.

ARTICLE 50

Aucune peine collective, pécuniaire ou autre, ne pourra être édictée contre les populations à raison de faits individuels dont elles ne pourraient être considérées comme solidairement responsables.

ARTICLE 51

Aucune contribution ne sera perçue qu'en vertu d'un ordre écrit et sous la responsabilité d'un général en chef.

Il ne sera procédé, autant que possible, à cette perception que d'après les règles de l'assiette et de la répartition des impôts en vigueur.

Pour toute contribution, un reçu sera délivré aux contribuables.

ARTICLE 52

Des réquisitions en nature et des services ne pourront être réclamés des communes ou des habitants, que pour les besoins de l'armée d'occupation. Ils seront en rapport avec les ressources du pays et de telle nature qu'ils n'impliquent pas pour les populations l'obligation de prendre part aux opérations de la guerre contre leur patrie.

Ces réquisitions et ces services ne seront réclamés qu'avec l'autorisation du commandant dans la localité occupée.

Les prestations en nature seront, autant que possible, payées au comptant; sinon, elles seront constatées par des reçus, et le paiement des sommes dues sera effectué le plus tôt possible.

ARTICLE 53

L'armée qui occupe un territoire ne pourra saisir que le numéraire, les fonds et les valeurs exigibles appartenant et propre à l'État, les dépôts d'armés, moyens de transport, magasins et approvisionnements et, en général, toute propriété mobilière de l'État de nature à servir aux opérations de la guerre.

Tous les moyens affectés sur terre, sur mer et dans les airs à la transmission des nouvelles, au transport des personnes ou des choses, en dehors des cas régis par le droit maritime, les dépôts d'armes et, en général, toute espèce de munitions de guerre, peuvent être saisis, même s'ils appartiennent à des personnes privées, mais devront être restitués et les indemnités seront réglées à la paix.

ARTICLE 50

No general penalty, pecuniary or otherwise, shall be inflicted upon the population on account of the acts of individuals for which they can not be regarded as jointly and severally responsible.

ARTICLE 51

No contribution shall be collected except under a written order, and on the responsibility of a commander-in-chief.

The collection of the said contribution shall only be effected as far as possible in accordance with the rules of assessment and incidence of the taxes in force.

For every contribution a receipt shall be given to the contributors.

ARTICLE 52

Requisitions in kind and services shall not be demanded from municipalities or inhabitants except for the needs of the army of occupation. They shall be in proportion to the resources of the country, and of such a nature as not to involve the inhabitants in the obligation of taking part in military operations against their own country.

Such requisitions and services shall only be demanded on the authority of the commander in the locality occupied.

Contributions in kind shall as far as possible be paid for in cash; if not, a receipt shall be given *and the payment of the amount due shall be made as soon as possible.*

ARTICLE 53

An army of occupation can only take possession of cash, funds, and realizable securities which are strictly the property of state, depots of arms, means of transport, stores and supplies, and, generally, all movable property belonging to the state which may be used for military operations.

All appliances, whether on land, at sea, or in the air, adapted for the transmission of news, or for the transport of persons or things, exclusive of cases governed by naval law, depots of arms, and, generally, all kinds of ammunition of war, may be seized, even if they belong to private individuals, but must be restored and compensation fixed when peace is made.

ARTICLE 54

Les câbles sous-marins reliant un territoire occupé à un territoire neutre ne seront saisis ou détruits que dans le cas d'une nécessité absolue. Ils devront également être restitués et les indemnités seront réglées à la paix.

ARTICLE 55

L'État occupant ne se considérera que comme administrateur et usufruitier des édifices publics, immeubles, forêts et exploitations agricoles appartenant à l'État ennemi et se trouvant dans le pays occupé. Il devra sauvegarder le fonds de ces propriétés et les administrer conformément aux règles de l'usufruit.

ARTICLE 56

Les biens des communes, ceux des établissements consacrés aux cultes, à la charité et à l'instruction, aux arts et aux sciences, même appartenant à l'État, seront traités comme la propriété privée.

Toute saisie, destruction ou dégradation intentionnelle de semblables établissements, de monuments historiques, d'œuvres d'art et de science, est interdite et doit être poursuivie.

CONVENTION CONCERNANT LES DROITS ET LES DEVOIRS DES PUISSANCES ET DES PERSONNES NEUTRES EN CAS DE GUERRE SUR TERRE

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse, etc:

En vue de mieux préciser les droits et les devoirs des Puissances neutres en cas de guerre sur terre et de régler la situation des belligérants réfugiés en territoire neutre;

Désirant également définir la qualité de neutre en attendant qu'il soit possible de régler dans son ensemble la situation des particuliers neutres dans leurs rapports avec les belligérants;

ARTICLE 54

Submarine cables connecting an occupied territory with a neutral territory shall not be seized or destroyed except in the case of absolute necessity. They must likewise be restored and compensation fixed when peace is made.

ARTICLE 55

The occupying state shall be regarded only as administrator and usufructuary of public buildings, real estate, forests, and agricultural estates belonging to the hostile state, and situated in the occupied country. It must safeguard the capital of these properties, and administer them in accordance with the rules of usufruct.

ARTICLE 56

The property of municipalities, that of institutions dedicated to religion, charity and education, the arts and sciences, even when state property, shall be treated as private property.

All seizure of, destruction or willful damage done to institutions of this character, historic monuments, works of art and science, is forbidden, and should be made the subject of legal proceedings.[1]

CONVENTION RESPECTING THE RIGHTS AND DUTIES OF NEUTRAL POWERS AND PERSONS IN CASE OF WAR ON LAND

His Majesty the German Emperor, King of Prussia, etc:

With a view to laying down more clearly the rights and duties of neutral powers in case of war on land and regulating the position of the belligerents who having taken refuge in neutral territory;

Being likewise desirous of defining the meaning of the term "neutral," pending the possibility of settling, in its entirety, the position of neutral individuals in their relations with the belligerents;

[1] On March 10, 1908, the Senate of the United States, in executive session, advised and consented to the ratification of the convention respecting the laws and customs of war on land, signed October 18, 1907.—EDITOR.

Have resolved to conclude a convention to this effect, and have, in consequence, appointed the following as their plenipotentiaries:

[Names of plenipotentiaries]

Who, after having deposited their full powers, found in good and due form, have agreed on the following provisions:

CHAPTER I.—*The Rights and Duties of Neutral Powers*

ARTICLE 1

The territory of neutral powers is inviolable.

ARTICLE 2

Belligerents are forbidden to move troops or convoys of either munitions of war or supplies across the territory of a neutral power.

ARTICLE 3

Belligerents are likewise forbidden to:

a. Erect on the territory of a neutral power a wireless telegraphy station or other apparatus for the purpose of communicating with belligerent forces on land or sea;

b. Use any installation of this kind established by them before the war on the territory of a neutral power for purely military purposes, and which has not been opened for the service of public messages.

ARTICLE 4

Corps of combatants can not be formed nor recruiting agencies opened on the territory of a neutral power to assist the belligerents.

ARTICLE 5

A neutral power must not allow any of the acts referred to in Articles 2 to 4 to occur on its territory.

It is not called upon to punish acts in violation of its neutrality unless the said acts have been committed on its own territory.

ARTICLE 6

The responsibility of a neutral power is not engaged by the fact of persons crossing the frontier separately to offer their services to one of the belligerents.

ARTICLE 7

A neutral power is not called upon to prevent the export or transport, on behalf of one or other of the belligerents, of arms, munitions of war, or, in general, of anything which can be of use to an army or a fleet.

ARTICLE 8

A neutral power is not called upon to forbid or restrict the use on behalf of the belligerents of telegraph or telephone cables or of wireless telegraphy apparatus belonging to it or to companies or private individuals.

ARTICLE 9

Every measure of restriction or prohibition taken by a neutral power in regard to the matters referred to in Articles 7 and 8 must be impartially applied by it to both belligerents.

A neutral power must see to the same obligation being observed by companies or private individuals owning telegraph or telephone cables or wireless telegraphy apparatus.

ARTICLE 10

The fact of a neutral power resisting, even by force, attempts to violate its neutrality can not be regarded as a hostile act.

CHAPITRE II.—*Des belligérants internés et des blessés soignés chez les neutres*

ARTICLE 11

La Puissance neutre qui reçoit sur son territoire des troupes appartenant aux armées belligérantes, les internera, autant que possible, loin du théâtre de la guerre.

Elle pourra les garder dans des camps, et même des enfermer dans des forteresses ou dans des lieux appropriés à cet effet.

Ella décidera si les officiers peuvent être laissés libres en prenant l'engagement sur parole de ne pas quitter le territoire neutre sans autorisation.

ARTICLE 12

A défaut de convention spéciale, la Puissance neutre fournira aux internés les vivres, les habillements et les secours commandés par l'humanité.

Bonification sera faite, à la paix, des frais occasionnés par l'internement.

ARTICLE 13

La Puissance neutre qui reçoit des prisonniers de guerre évadés les laissera en liberté. Si elle tolère leur séjour sur son territoire, elle peut leur assigner une résidence.

La même disposition est applicable aux prisonniers de guerre amenés par des troupes se réfugiant sur le territoire de la Puissance neutre.

ARTICLE 14

Une Puissance neutre pourra autoriser le passage sur son territoire des blessés ou malades appartenant aux armées belligérantes, sous la réserve que les trains qui les amèneront ne transporteront ni personnel, ni matériel de guerre. En pareil cas, la Puissance neutre est tenue de prendre les mesures de sûreté et de contrôle nécessaires à cet effet.

Les blessés ou malades amenés dans ces conditions sur le territoire neutre par un des belligérants, et qui appartiendraient à la partie adverse, devront être gardés par la Puissance neutre de manière qu'ils ne puissent de nouveau prendre part aux

CHAPTER II.—*Belligerents Interned and Wounded Tended in Neutral Territory*

ARTICLE 11

A neutral power which receives on its territory troops belonging to the belligerent armies shall intern them, as far as possible, at a distance from the theater of war.

It may keep them in camps and even confine them in fortresses or in places set apart for this purpose.

It shall decide whether officers can be left at liberty on giving their parole not to leave the neutral territory without permission.

ARTICLE 12

In the absence of a special convention to the contrary, the neutral power shall supply the interned with the food, clothing and relief required by humanity.

At the conclusion of peace the expenses caused by the internment shall be made good.

ARTICLE 13

A neutral power which receives escaped prisoners of war shall leave them at liberty. If it allows them to remain in its territory it may assign them a place of residence.

The same rule applies to prisoners of war brought by troops taking refuge in the territory of a neutral power.

ARTICLE 14

A neutral power may authorize the passage into its territory of the sick and wounded belonging to the belligerent armies, on condition that the trains bringing them shall carry neither personnel or war material. In such a case, the neutral power is bound to take whatever measures of safety and control, are necessary for the purpose.

The sick or wounded brought under these conditions into neutral territory by one of the belligerents, and belonging to the hostile party, must be guarded by the neutral power so as to ensure their not taking part again in the military operations.

opérations de la guerre. Cette Puissance aura les mêmes devoirs quant aux blessés ou malades de l'autre armée qui lui seraient confiés.

ARTICLE 15

La Convention de Genève s'applique aux malades et aux blessés internés sur territoire neutre.

CHAPITRE III.—*Des personnes neutres*

ARTICLE 16

Sont considérés comme neutres les nationaux d'un État qui ne prend pas part à la guerre.

ARTICLE 17

Un neutre ne peut pas se prévaloir de sa neutralité:

a. s'il commet des actes hostiles contre un belligérant;

b. s'il commet des actes en faveur d'un belligérant, notamment s'il prend volontairement du service dans les rangs de la force armée de l'une des Parties.

En pareil cas, le neutre ne sera pas traité plus rigoureusement par le belligérant contre lequel il s'est départi de la neutralité que ne pourrait l'être, à raison du même fait, un national de l'autre État belligérant.

ARTICLE 18

Ne seront pas considérés comme actes commis en faveur d'un des belligérants, das le sens de l'article 17, lettre *b*:

a. les fournitures faites ou les emprunts consentis à l'un des belligérants, pourvu que le fournisseur ou le prêteur n'habite ni le territoire de l'autre Partie, ni le territoire occupé par elle, et que les fournitures ne proviennent pas de ces territoires;

b. les services rendus en matière de police ou d'administration civile.

The same duty shall devolve on the neutral state with regard to wounded or sick of the other army who may be committed to its care.

ARTICLE 15

The Geneva Convention applies to sick and wounded interned in neutral territory.

CHAPTER III.—*Neutral Persons*

ARTICLE 16

The nationals of a state which is not taking part in the war are considered as neutrals.

ARTICLE 17

A neutral can not avail himself of his neutrality:

a. If he commits hostile acts against a belligerent;

b. If he commits acts in favor of a belligerent, particularly if he voluntarily enlists in the ranks of the armed force of one of the parties.

In such a case, the neutral shall not be more severely treated by the belligerent as against whom he has abandoned his neutrality than a national of the other belligerent state could be for the same act.

ARTICLE 18

The following acts shall not be considered as committed in favor of one belligerent in the sense of Article 17, *b*:

a. Supplies furnished or loans made to one of the belligerents, provided that the person who furnishes the supplies or who makes the loans lives neither in the territory of the other party nor in the territory occupied by him, and that the supplies do not come from these territories;

b. Services rendered in matters of police or civil administration.

CHAPITRE IV.—*Du matériel des chemins de fer*

ARTICLE 19

Le matériel des chemins de fer provenant du territoire de Puissances neutres, qu'il appartienne à ces Puissances ou à des sociétés ou personnes privées, et reconnaissable comme tel, ne pourra être réquisitionné et utilisé par un belligérant que dans le cas et la mesure où l'exige une impérieuse nécessité. Il sera renvoyé aussitôt que possible dans le pays d'origine.

La Puissance neutre pourra de même, en cas de nécessité, retenir et utiliser, jusqu'à due concurrence, le matériel provenant du territoire de la Puissance belligérante.

Une indemnité sera payée de part et d'autre, en proportion du matériel utilisé et de la durée de l'utilisation.

CHAPITRE V.—*Disposition finales*

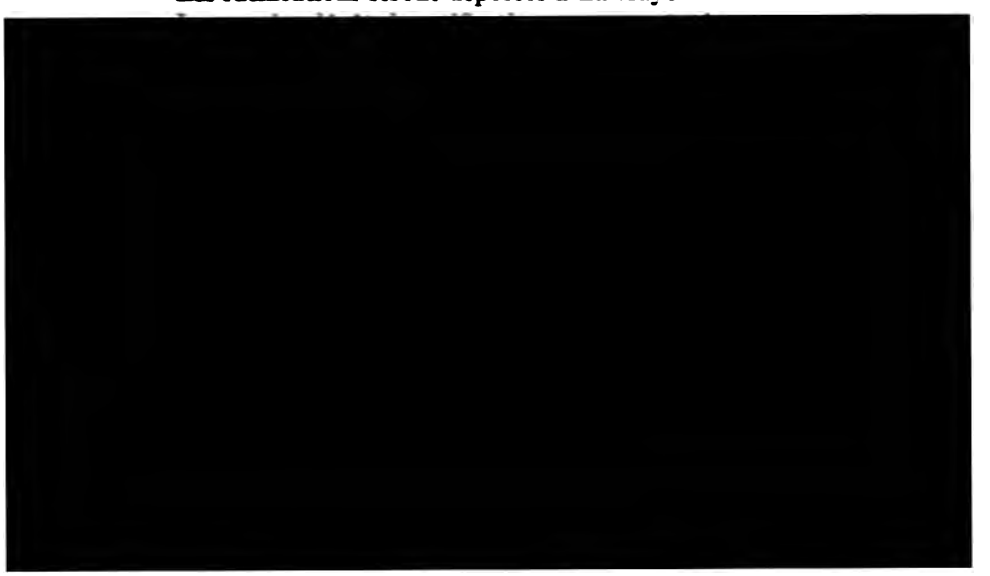
ARTICLE 20

Les disposition de la présente Convention ne sont applicables qu'entre les Puissances contractantes et seulement si les belligerants sont tous parties à la Convention.

ARTICLE 21

La présente Convention sera ratifiée aussitôt que possible.

Les ratifications seront déposées à La Haye.



CHAPTER IV.—*Railway Material*

ARTICLE 19

Railway material coming from the territory of neutral powers, whether it be the property of the said powers or of companies or private persons, and recognizable as such, shall not be requisitioned or utilized by a belligerent except where and to the extent that it is absolutely necessary. It shall be sent back as soon as possible to the country of origin.

A neutral power may likewise, in case of necessity, retain and utilize to an equal extent material coming from the territory of the belligerent power.

Compensation shall be paid by one party or the other in proportion to the material used, and to the period of usage.

CHAPTER V.—*Final Provisions*

ARTICLE 20

The provisions of the present convention do not apply except between contracting powers, and then only if all the belligerents are parties to the convention.

ARTICLE 21

The present convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the representatives of the powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph and of the instruments of ratification shall be immediately sent by the Netherland Government, through the diplomatic channel, to the powers invited to the Second Peace Conference as well as to the other powers which have

auront adhéré à la Convention. Dans les cas visés par l'alinéa précédent ledit Gouvernement leur fera connaître en même temps la date à laquelle il a reçu la notification.

ARTICLE 22

Les Puissances non signataires sont admises à adhérer à la présente Convention.

La Puissance qui désire adhérer notifie par écrit son intention au Gouvernement des Pays-Bas en lui transmettant l'acte d'adhésion qui sera déposé dans les archives dudit Gouvernement.

Ce Gouvernement transmettra immédiatement à toutes les autres Puissances copie certifiée conforme de la notification ainsi que de l'acte d'adhésion, en indiquant la date à laquelle il a reçu la notification.

ARTICLE 23

La présente Convention produira effet, pour les Puissances qui auront participe au premier dépôt de ratifications, soixante jours après la date du procès-verbal de ce dépôt et, pour les Puissances qui ratifieront ultérieurement ou qui adhéreront, soixante jours après que la notification de leur ratification ou de leur adhésion aura été reçue par le Gouvernement des Pays-Bas.

ARTICLE 24

S'il arrivait qu'une des Puissances contractantes voulût dénoncer la présente Convention, la dénonciation sera notifiée par écrit au Gouvernement des Pays-Bas qui communiquera immédiatement copie certifiée conforme de la notification à toutes les autres Puissances, en leur faisant savoir la date à laquelle il l'a reçue.

La dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée et un an aprés que la notification en sera parvenue au Gouvernement des Pays-Bas.

ARTICLE 25

Un registre tenu par le Ministère des Affaires Étrangères des Pays-Bas indiquera la date du dépôt des ratifications effectué en vertu de l'article 21 alinéas 3 et 4, ainsi que la date à

adhered to the convention. In the cases contemplated in the preceding paragraph, the said Government shall at the same time inform them of the date on which it received the notification.

ARTICLE 22

Non-signatory powers may adhere to the present convention.

The power which desires to adhere notifies its intention in writing to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

This Government shall immediately forward to all the other powers a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

ARTICLE 23

The present convention shall come into force, in the case of the powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of this deposit, and, in the case of the powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE 24

In the event of one of the contracting powers wishing to denounce the present convention, the denunciation shall be notified in writing to the Netherland Government, which shall immediately communicate a duly certified copy of the notification to all the other powers, informing them at the same time of the date on which it was received.

The denunciation shall only have effect in regard to the notifying power, and one year after the notification has reached the Netherland Government.

ARTICLE 25

A register kept by the Netherland Ministry of Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 21, paragraphs 3 and 4, as well as the date on which

laquelle auront été reçues les notifications d'adhésion (article 22 alinéa 2 (ou de dénonciation (article 24 alinéa 1).

Chaque Puissance contractante est admise à prendre connaissance de ce registre et à en demander des extraits certifiés conformes.

En foi de quoi, les Plénipotentiaires ont revêtu la présente Convention de leurs signatures.

Fait à La Haye, le dix-huit octobre mil neuf cent sept, en un seul exemplaire qui restera déposé dans les archives du Gouvernement des Pays-Bas et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances qui ont été conviées à la Deuxième Conférence de la Paix.

CONVENTION RELATIVE AU RÉGIME DES NAVIRES DE COMMERCE ENNEMIS AU DÉBUT DES HOSTILITÉS

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse, etc:

Désireux de garantir la sécurité du commerce international contre les surprises de la guerre et voulant, conformément à la pratique moderne, protéger autant que possible les opérations engagées de bonne foi et en cours d'exécution avant le début des hostilités;

Ont résolu de conclure une Convention à cet effet et ont nommé pour Leurs Plénipotentiaires, savoir:

[Dénomination des Plénipotentiaires]

Lesquels, après avoir déposé leurs pleins pouvoirs trouves en bonne et due forme, sont convenus des dispositions suivantes:

Article 1

Lorsqu'un navire de commerce relevant d'une des Puissances belligérantes se trouve, au début des hostilités, dans un port ennemi, il est désirable qu'il lui soit permis de sortir librement, immédiatement ou après un délai de faveur suffisant, et de

ARTICLE 5

La présente Convention ne vise pas les navires de commerce dont la construction indique qu'ils sont déstinés à être transformés en bâtiments de guerre.

ARTICLE 6

Les dispositions de la présenté Convention ne sont applicables qu'entre les Puissances contractantes et seulement si les belligé rants sont tous parties à la Convention.

ARTICLE 7

La présente Convention sera ratifiée aussitôt que possible.

Les ratifications seront déposées à La Haye.

Le premier dépôt de ratifications sera constaté par un procès-verbal signé par les représentants des Puissances qui y prennent part et par le Ministre des Affaires Étrangères des Pays-Bas.

Les dépôts ultérieurs de ratifications se feront au moyen d'une notification écrite, adressée au Gouvernement des Pays-Bas et accompagnée de l'instrument de ratification.

Copie certifiée conforme du procès-verbal relatif au premier dépôt de ratifications, des notifications mentionées à l'alinéa précédent, ainsi que des instruments de ratifications, sera immédiatement remise par les soins du Gouvernement des Pays-Bas et par la voie diplomatique aux Puissances conviées à la Deuxième Conférence de la Paix, ainsi qu' aux autres Puissances qui auront adhéré à la Convention. Dans les cas visés par l'alinéa précédent, ledit Gouvernement leur fera connaître en même temps la date à laquelle il a reçu la notification.

ARTICLE 8

Les Puissances non signataires sont admises à adhérer à la présente Convention.

La Puissance qui désire adhérer notifie par écrit son intention au Gouvernement des Pays-Bas en lui transmettant l'acte d'adhésion qui sera déposé dans les archives dudit Gouvernement.

Ce Gouvernement transmettra immédiatement à toutes les autres Puissances copie certifiée conforme de la notification

and to proceed, after being furnished with a pass, direct to its port of destination or any other port indicated.

The same rule should apply in the case of a ship which has left its last port of departure before the commencement of the war and entered a port belonging to the enemy while still ignorant that hostilities had broken out.

ARTICLE 2

A merchant ship unable, owing to circumstances of *force majeure*, to leave the enemy port within the period contemplated in the above article, or which was not allowed to leave, can not be confiscated.

The belligerent may only detain it, without payment of compensation, but subject to the obligation of restoring it after the war, or requisition it in payment of compensation.

ARTICLE 3

Enemy merchant ships which left their last port of departure before the commencement of the war, and are encountered on the high seas while still ignorant of the outbreak of hostilities can not be confiscated. They are only liable to detention on the understanding that they shall be restored after the war without compensation, or to be requisitioned, or even destroyed, on payment of compensation, but in such case provision must be made for the safety of the persons on board as well as the security of the ship's papers.

gagner directement, après avoir été muni d'un laissez-passer, son port de destination ou tel autre port qui lui sera désigné.

Il en est de même du navire ayant quitté son dernier port de départ avant le commencement de la guerre et entrant dans un port ennemi sans connaître les hostilités.

Article 2

Le navire de commerce qui, par suite de circonstances de force majeure, n'aurait pu quitter le port ennemi pendant le délai visé à l'article précédent, ou auquel la sortie n'aurait pas été accordée, ne peut être confisqué.

Le belligérant peut seulement le saisir moyennant l'obligation de le restituer après la guerre sans indemnité, ou le réquisitionner moyennant indemnité.

Article 3

Les navires de commerce ennemis, qui ont quitté leur dernier port de départ avant le commencement de la guerre et qui sont rencontrés en mer ignorants des hostilités, ne peuvent être confisqués. Ils sont seulement sujets à être saisis, moyennant l'obligation de les restituer après la guerre sans indemnité, ou à être réquisitionnés, ou même à être détruits, à charge d'indemnité et sous l'obligation de pourvoir à la sécurité des personnes ainsi qu'à la conservation des papiers de bord.

Après avoir touché à un port de leur pays ou à un port neutre, ces navires sont soumis aux lois et coutumes de la guerre maritime.

Article 4

Les marchandises ennemies se trouvant à bord des navires visés aux articles 1 et 2 sont également sujettes à être saises et restituées après la guerre sans indemnité, ou à être réquisitionnées moyennant indemnité, conjointement avec le navire ou séparément.

Il en est de même des marchandises se trouvant à bord des navires visés à l'article 3.

ARTICLE 5

The present convention does not affect merchant ships whose build shows that they are intended for conversion into war ships.

ARTICLE 6

The provisions of the present convention do not apply except between contracting powers, and then only if all the belligerents are parties to the convention.

ARTICLE 7

The present convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the representatives of the powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government, through the diplomatic channel, to the powers invited to the Second Peace Conference, as well as to the other powers which have adhered to the convention. In the cases contemplated in the preceding paragraph, the said Government shall at the same time inform them of the date on which it received the notification.

ARTICLE 8

Non-signatory powers may adhere to the present convention.

The power which desires to adhere notifies in writing its intention to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

The said Government shall at once transmit to all the other powers a duly certified copy of the notification as well as of the

act of adhesion, stating the date on which it received the notification.

ARTICLE 9

The present convention shall come into force, in the case of the powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of that deposit and, in the case of the powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE 10

In the event of one of the contracting powers wishing to denounce the present convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a certified copy of the notification to all the other powers, informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying power, and one year after the notification has reached the Netherland Government.

ARTICLE 11

A register kept by the Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 7, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (article 8, paragraph 2) or of denunciation (article 10, paragraph 1) have been received.

Each contracting power is entitled to have access to this register and to be supplied with certified extracts from it.

In faith whereof the plenipotentiaries have appended to the present convention their signatures.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the powers which have been invited to the Second Peace Conference.[1]

[1] The convention relative to the status of the enemy merchant ships at the outbreak of hostilities was not signed by the American delegation, nor was it submitted to the Senate of the United States for its ratification.—EDITOR.

ainsi que de l'acte d'adhésion, en indiquant la date à laquelle il a reçu la notification.

ARTICLE 9

La présente Convention produira effet, pour les Puissances qui auront participé au premier dépôt de ratifications, soixante jours après la date du procès-verbal de ce dépôt et, pour les Puissances qui ratifieront ultérieurement ou qui adhéreront, soixante jours après que la notification de leur ratification ou de leur adhésion aura été reçue par le Gouvernement des Pays-Bas.

ARTICLE 10

S'il arrivait qu'une des Puissances contractantes voulût dénoncer la présente Convention, la dénonciation sera notifiée par écrit au Gouvernement des Pays-Bas qui communiquera immédiatement copie certifiée conforme de la notification à toutes les autres Puissances en leur faisant savoir la date à laquelle il l'a reçue.

La dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée et un an après que la notification en sera parvenue au Gouvernement des Pays-Bas.

ARTICLE 11

Un registre tenu par le Ministère des Affaires Étrangères des Pays-Bas indiquera la date du dépôt de ratifications effectué en vertu de l'article 7 alinéas 3 et 4, ainsi que la date à laquelle auront été reçues les notifications d'adhesion (article 8 alinéa 2) ou de dénonciation (article 10 alinéa 1).

Chaque Puissance contractante est admise à prendre connaissance de ce registre et à en demander des extraits certifiée conformes.

En foi de quoi, Plénipotentiaires ont revêtu la présente Convention de leurs signatures.

Fait à La Haye, le dix-huit octobre mil neuf cent sept, en un seul exemplaire qui restera déposé dans les archives du Gouvernement des Pays-Bas et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances qui ont été conviées à la Deuxième Conférence de la Paix.

act of adhesion, stating the date on which it received the notification.

ARTICLE 9

The present convention shall come into force, in the case of the powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of that deposit and, in the case of the powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE 10

In the event of one of the contracting powers wishing to denounce the present convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a certified copy of the notification to all the other powers, informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying power, and one year after the notification has reached the Netherland Government.

ARTICLE 11

A register kept by the Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 7, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (article 8, paragraph 2) or of denunciation (article 10, paragraph 1) have been received.

Each contracting power is entitled to have access to this register and to be supplied with certified extracts from it.

In faith whereof the plenipotentiaries have appended to the present convention their signatures.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the powers which have been invited to the Second Peace Conference.[1]

[1] The convention relative to the status of the enemy merchant ships at the outbreak of hostilities was not signed by the American delegation, nor was it submitted to the Senate of the United States for its ratification.—EDITOR.

CONVENTION RELATIVE TO THE CONVERSION OF MERCHANT SHIPS INTO WAR SHIPS

His Majesty the German Emperor, King of Prussia, etc:
Whereas it is desirable, in view of the incorporation in time of war of merchant ships in the fighting fleet, to define the conditions subject to which this operation may be effected;

Whereas, however, the contracting powers have been unable to come to an agreement on the question whether the conversion of a merchant ship into a war ship may take place upon the high seas, it is understood that the question of the place where such conversion is effected remains outside the scope of this agreement and is in no way affected by the following rules;
Being desirous of concluding a convention to this effect, have appointed the following as their plenipotentiaries:

[Names of plenipotentiaries]

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions:

Article 1

A merchant ship converted into a war ship can not have the rights and duties accruing to such vessels unless it is placed under the direct authority, immediate control, and responsibility of the power whose flag it flies.

Article 2

Merchant ships converted into war ships must bear the external marks which distinguish the war ships of their nationality.

Article 3

The commander must be in the service of the state and duly commissioned by the competent authorities. His name must figure on the list of the officers of the fighting fleet.

ARTICLE 4

The crew must be subject to military discipline.

ARTICLE 5

Every merchant ship converted into a war ship must observe in its operations the laws and customs of war.

ARTICLE 6

A belligerent who converts a merchant ship into a war ship must, as soon as possible, announce such conversion in the list of war ships.

ARTICLE 7

The provisions of the present convention do not apply except between contracting powers, and then only if all the belligerents are parties to the convention.

ARTICLE 8

The present convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the representatives of the powers who take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government, through the diplomatic channel, to the powers invited to the Second Peace Conference, as well as to the other powers which have adhered to the convention. In the cases contemplated in the preceding paragraph the said Government shall at the same time inform them of the date on which it received the notification.

ARTICLE 9

Les Puissances non signataires sont admises à adhérer à la présente Convention.

La Puissance qui désire adhérer notifie par écrit son intention au Gouvernement des Pays-Bas en lui transmettant l'acte d'adhésion qui sera déposé dans les archives dudit Gouvernement.

Ce Gouvernement transmettra immédiatement à toutes les autres Puissances copie certifiée conforme de la notification ainsi que de l'acte d'adhésion, en indiquant la date à laquelle il a reçu la notification.

ARTICLE 10

La présente Convention produira effet, pour les Puissances qui auront participé au premier dépôt de ratifications, soixante jours après la date du procès-verbal de ce dépôt, et pour les Puissances qui ratifieront ultérieurement ou qui adhéreront, soixante jours après que la notification de leur ratification ou de leur adhésion aura été reçue par le Gouvernement des Pays-Bas.

ARTICLE 11

S'il arrivait qu'une des Puissances contractantes voulût dénoncer la présente Convention, la dénonciation sera notifiée par écrit au Gouvernement des Pays-Bas qui communiquera immédiatement copie certifiée conforme de la notification à toutes les autres Puissances en leur faisant savoir la date à laquelle il l'a reçue.

La dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée et un an après que la notification en sera parvenue au Gouvernement des Pays-Bas.

ARTICLE 12

Un registre tenu par le Ministère des Affaires Étrangères des Pays-Bas indiquera la date du dépôt de ratifications effectué en vertu de l'article 8 alinéas 3 et 4, ainsi que la date à laquelle auront été reçues les notifications d'adhésion (article 9 alinéa 2) ou de dénonciation (article 11 alinéa 1).

Chaque Puissance contractante est admise à prendre connaissance de ce registre et à en demander des extraits certifiés conformes.

ARTICLE 9

Nonsignatory powers may adhere to the present convention.

The power which desires to adhere notifies its intention in writing to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

That Government shall at once transmit to all the other powers a duly certified copy of the notification as well as of the act of adhesion, stating the date on which it received the notification.

ARTICLE 10

The present convention shall come into force, in the case of the powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of this deposit, and, in the case of the powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE 11

In the event of one of the contracting powers wishing to denounce the present convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the other powers, informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying power, and one year after the notification has reached the Netherland Government.

ARTICLE 12

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 8, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (article 9, paragraph 2) or of denunciation (article 11, paragraph 1) have been received.

Each contracting power is entitled to have access to this register and to be supplied with duly certified extracts from it.

En foi de quoi, les Plénipotentiaires ont revêtu présente Convention de leurs signatures.

Fait à La Haye, le dix-huit octobre mil neuf cent sept, en un seul exemplaire qui restera déposé dans les archives du Gouvernement des Pays-Bas, et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances qui ont été conviées à la Deuxième Conférence de la Paix.

CONVENTION RELATIVE À LA POSE DE MINES SOUS-MARINES AUTOMATIQUES DE CONTACT

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse, etc:

S'inspirant du principe de la liberté des voies maritimes, ouvertes à toutes les nations;

Considérant que, si dans l'état actuel des choses, on ne peut interdire l'emploi de mines sous-marines automatiques de contact, il importe d'en limiter et réglementer l'usage, afin de restreindre les rigueurs de la guerre et de donner, autant que faire se peut, à la navigation pacifique la sécurité à laquelle elle a droit de prétendre, malgré l'existence d'une guerre;

En attendant qu'il soit possible de régler la matière d'une façon qui donne aux intérêts engagés toutes les garanties désirables;

Ont résolu de conclure une Convention à cet effet et ont nommé pour Leurs Plénipotentiaires, savoir:

[Dénomination des Plénipotentiaires]



In faith whereof the plenipotentiaries have appended their signatures to the present convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the powers which have been invited to the Second Peace Conference.[1]

CONVENTION RELATIVE TO THE LAYING OF AUTOMATIC SUBMARINE CONTACT MINES

His Majesty the German Emperor, King of Prussia, etc:

Inspired by the principle of the freedom of sea routes, the common highways of all nations;

Seeing that, although the existing position of affairs makes it impossible to forbid the employment of automatic submarine contact mines, it is nevertheless desirable to restrict and regulate their employment in order to mitigate the severity of war and to ensure, as far as possible, to peaceful navigation the security to which it is entitled, despite the existence of war;

Until such time as it is found possible to formulate rules on the subject which shall ensure to the interests involved all the guarantees desirable;

Have resolved to conclude a convention for this purpose, and have appointed the following as their plenipotentiaries:

[Names of plenipotentiaries]

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions:

ARTICLE 1

It is forbidden:

1. To lay unanchored automatic contact mines, except when they are so constructed as to become harmless one hour at most after the person who laid them ceases to control them;

[1] The convention relative to the conversion of merchant ships into war ships was not signed by the American delegation, nor was it submitted to the Senate of the United States for its ratification.—EDITOR.

2°. de placer des mines automatiques de contact amarrées qui ne deviennent pas inoffensives dès qu'elles auront rompu leurs amarres;

3°. d'employer des torpilles, qui ne deviennent pas inoffensives lorsqu'elles auront manqué leur but.

ARTICLE 2

Il est interdit de placer des mines automatiques de contact devant les côtes et les ports de l'adversaire, dans le seul but d'intercepter la navigation de commerce.

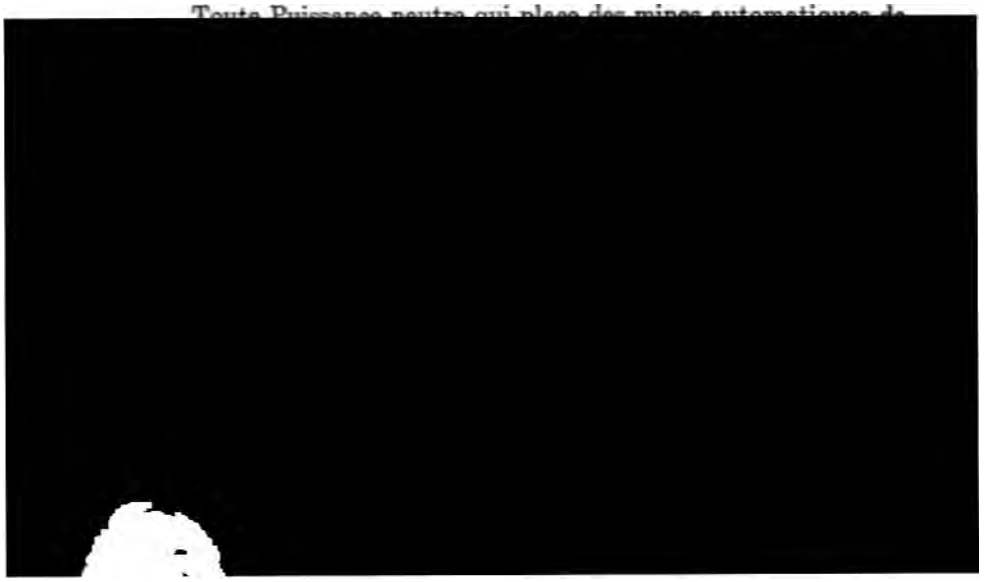
ARTICLE 3

Lorsque les mines automatiques de contact amarrées sont employées, toutes les précautions possibles doivent être prises pour la sécurité de la navigation pacifique.

Les belligérants s'engagent à pourvoir, dans la mesure du possible, à ce que ces mines deviennent inoffensives après un laps de temps limité, et, dans le cas où elles cesseraient d'être surveillées, à signaler les régions dangereuses, aussitôt que les exigences militaires le permettront, par un avis à la navigation, qui devra être aussi communiqué aux Gouvernements par la voie diplomatique.

ARTICLE 4

Toute Puissance neutre qui place des mines automatiques de



2. To lay anchored automatic contact mines which do not become harmless as soon as they have broken loose from their moorings;

3. To use torpedoes which do not become harmless when they have missed their mark.

ARTICLE 2

It is forbidden to lay automatic contact mines off the coast and ports of the enemy, with the sole object of intercepting commercial shipping.

ARTICLE 3

When anchored automatic contact mines are employed, every possible precaution must be taken for the security of peaceful shipping.

The belligerents undertake to do their utmost to render these mines harmless within a limited time, and, should they cease to be under surveillance, to notify the danger zones as soon as military exigencies permit, by a notice addressed to shipowners, which must also be communicated to the governments through the diplomatic channel.

ARTICLE 4

Neutral powers which lay automatic contact mines off their coasts must observe the same rules and take the same precautions as are imposed on belligerents.

The neutral power must inform shipowners, by a notice issued in advance, where automatic contact mines have been laid. This notice must be communicated at once to the governments through the diplomatic channel.

ARTICLE 5

At the close of the war, the contracting powers undertake to do their utmost to remove the mines which they had laid, each power removing its own mines.

Quant aux mines automatiques de contact amarrées, que l'un des belligérants aurait posées le long des côtes de l'autre, l'emplacement en sera notifié à l'autre partie par la Puissance qui les posées et chaque Puissance devra procéder dans le plus bref délai à l'enlèvement des mines qui se trouvent dans ses eaux.

Article 6

Les Puissances contractantes, qui ne disposent pas encore de mines perfectionnées telles qu'elles sont prévues dans la présente Convention, et qui, par conséquent, ne sauraient actuellement se conformer aux règles établies dans les articles 1 et 3, s'engagent à transformer, aussitôt que possible, leur matériel de mines, afin qu'il réponde aux prescriptions susmentionnées.

Article 7

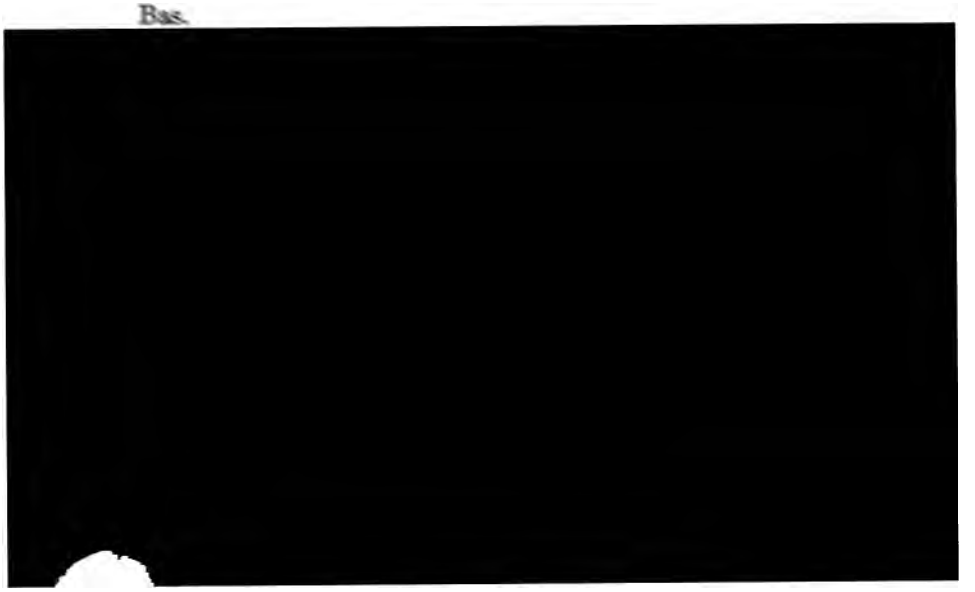
Les dispositions de la présente Convention ne sont applicables qu'entre les Puissances contractantes et seulement si les belligérants sont tous parties à la Convention.

Article 8

La présente Convention sera ratifiée aussitôt que possible.

Les ratifications seront déposées à La Haye.

Le premier dépôt de ratifications sera constaté par un procès-verbal signé par les représentants des Puissances qui y prennent part et par le Ministre des Affaires Étrangères des Pays-Bas.



As regards anchored automatic contact mines laid by one of the belligerents off the coast of the other, their position must be notified to the other party by the power which laid them, and each power must proceed with the least possible delay to remove the mines in its own waters.

ARTICLE 6

The contracting powers which do not at present own perfected mines of the pattern contemplated in the present convention, and which, consequently, could not at present carry out the rules laid down in Articles 1 and 3, undertake to convert the *matériel* of their mines as soon as possible, so as to bring it into conformity with the foregoing requirements.

ARTICLE 7

The provisions of the present convention do not apply except between contracting powers, and then only if all the belligerents are parties to the convention.

ARTICLE 8

The present convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the representatives of the powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent, by the Netherland Government, through the diplomatic channel, to the powers invited to the Second Peace Conference, as well as to the other powers which have adhered to the convention. In the cases contemplated in the preceding paragraph, the said Government shall inform them at the same time of the date on which it has received the notification.

ARTICLE 9

Les Puissances non signataires sont admises à adhérer à la présente Convention.

La Puissances qui désire adhérer notifie par écrit son intention au Gouvernement des Pays-Bas en lui transmettant l'acte d'adhésion qui sera déposé dans les archives dudit Gouvernement.

Ce Gouvernement transmettra immédiatement à toutes les autres Puissances copie certifiée conforme de la notification ainsi que de l'acte d'adhésion, en indiquant la date à laquelle il a reçu la notification.

ARTICLE 10

La présente Convention produira effet pour les Puissances qui auront participé au premier dépôt de ratifications, soixante jours après la date du procès-verbal de ce dépôt, et pour les Puissances qui ratifieront ultérieurement ou qui adhéreront, soixante jours après que la notification de leur ratification ou de leur adhésion aura été reçue par le Gouvernement des Pays-Bas.

ARTICLE 11

La présente Convention aura une durée de sept ans à partir du soixantième jour après la date du premier dépôt de ratifications.

Sauf dénonciation, elle continuera d'être en vigueur après l'expiration de ce délai.

La dénonciation sera notifiée par écrit au Gouvernement des Pays-Bas qui communiquera immédiatement copie certifiée conforme de la notification à toutes les Puissances, en leur faisant savoir la date à laquelle il l'a reçue.

La dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée et six mois après que la notification en sera parvenue au Gouvernement des Pays-Bas.

ARTICLE 12

Les Puissances contractantes s'engagent à reprendre la question de l'emploi des mines automatiques de contact six mois avant l'expiration du terme prévu par l'alinéa premier de l'arti-

ARTICLE 9

Non-signatory powers may adhere to the present convention.

The power which desires to adhere notifies in writing its intention to the Netherland Government, transmitting to it the act of adhesion, which shall be deposited in the archives of the said Government.

This Government shall at once transmit to all the other powers a duly certified copy of the notification as well as of the act of adhesion, stating the date on which it received the notification.

ARTICLE 10

The present convention shall come into force, in the case of the powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of this deposit, and, in the case of the powers which ratify subsequently or adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE 11

The present convention shall remain in force for seven years, dating from the sixtieth day after the date of the first deposit of ratifications.

Unless denounced, it shall continue in force after the expiration of this period.

The denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the powers, informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying power, and six months after the notification has reached the Netherland Government.

ARTICLE 12

The contracting powers undertake to reopen the question of the employment of automatic contact mines six months before the expiration of the period contemplated in the first paragraph

cle précédent, au cas où elle n'aurait pas été reprise et résolue à une date antérieure par la troisième Conférence de la Paix.

Si les Puissances contractantes concluent une nouvelle Convention relative à l'emploi des mines, dès son entrée en vigueur, la présente Convention cessera d'être applicable.

ARTICLE 13

Un registre tenu par le Ministère des Affaires Étrangères des Pays-Bas indiquera la date du dépôt de ratifications effectué en vertu de l'article 8 alinéas 3 et 4, ainsi que la date à laquelle auront été reçues les notifications d'adhésion (article 9 alinéa 2) ou de dénonciation (article 11 alinéa 3).

Chaque Puissance contractante est admise à prendre connaissance de ce registre et à en demander des extraits certifiés conformes.

En foi de quoi, les Plénipotentiaires ont revêtu la présente Convention de leurs signatures.

Fait à La Haye, le dix-huit octobre mil neuf cent sept, en un seul exemplaire qui restera déposé dans les archives du Gouvernement des Bays-Pas et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances qui ont été conviées à la Deuxième Conférence de la Paix.

CONVENTION CONCERNANT LE BOMBARDEMENT PAR DES FORCES NAVALES EN TEMPES DE GUERRE

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse, etc:

Animés du désir de réaliser le vœu exprimé par la Première Conférence de la Paix, concernant le bombardement, par des forces navales, de ports, villes et villages, non défendus;

Considérant qu'il importe de soumettre les bombardements par des forces navales à des dispositions générales qui garantissent les droits des habitants et assurent la conservation des principaux édifices, en étendant à cette opération de guerre, dans

of the preceding article, in the event of the question not having been already reopened and settled by the Third Peace Conference.

If the contracting powers conclude a fresh convention relative to the employment of mines, the present convention shall cease to be applicable from the moment it comes into force.

ARTICLE 13

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 8, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (article 9, paragraph 2) or of denunciation (article 11, paragraph 3) have been received.

Each contracting power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the plenipotentiaries have appended their signatures to the present convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the powers which have been invited to the Second Peace Conference.[1]

CONVENTION RESPECTING BOMBARDMENTS BY NAVAL FORCES IN TIME OF WAR

His Majesty the German Emperor, King of Prussia, etc:

Animated by the desire to realize the wish expressed by the First Peace Conference respecting the bombardment by naval forces of undefended ports, towns, and villages;

Whereas, it is expedient that bombardments by naval forces should be subject to rules of general application which would safeguard the rights of the inhabitants and assure the preservation of the more important buildings, by applying as far as

[1] On March 10, 1908, the Senate of the United States in executive session, advised and consented to the ratification of the convention relative to the laying of automatic submarine contact mines, signed October 18, 1907.—EDITOR.

la mesure du possible, les principes du Règlement de
les lois et coutumes de la guerre sur terre;

S'inspirant ainsi du désir de servir les intérêts de l'h
et de diminuer les rigueurs et les désastres de la guerre;

Out résolu de conclure une Convention à cet effet et
conséquence, nommé pour Leurs Plénipotentiaires, sav

[Dénomination des Plénipotentiaires]

Lesquels, après avoir déposé leurs pleins pouvoirs, tr
bonne et due forme, sont convenus des dispositions suiv

CHAPITRE I.— *Du bombardement des ports, villes, villages*
tions, ou bâtiments non défendus

ARTICLE 1

Il est interdit de bombarder, par des forces navales, d
villes, villages, habitations, ou bâtiments, qui ne sont
fendus.

Une localité ne peut pas être bombardée à raison
fait que, devant son port, se trouvent mouillées de
sous-marines automatiques de contact.

ARTICLE 2

Toutefois, ne sont pas compris dans cette interdiction
rages militaires, établissements militaires ou navals,
d'armes ou de matériel de guerre, ateliers et installati
pres à être utilisés pour les besoins de la flotte ou de
ennemie, et les navires de guerre se trouvant dans le p
commandant d'une force navale pourra, après sommati
délai raisonable, les détruire par le canon, si tout autre
est impossible et lorsque les autorités locales n'auront
cédé à cette destruction dans le délai fixé.

Il n'encourt aucune responsabilité dans ce cas pour l
mages involontaires, qui pourraient être occasionnés
bombardement.

Si des nécessités militaires, exigeant une action imm
ne permettaient pas d'accorder de délai, il reste enter
l'interdiction de bombarder la ville non défendue

possible to this operation of war the principles of the regulation of 1899 respecting the laws and customs of land war;

Actuated, accordingly, by the desire to serve the interests of humanity and to diminish the severity and disasters of war;

Have resolved to conclude a convention to this effect, and have, for this purpose, appointed the following as their plenipotentiaries:

[Names of plenipotentiaries]

Who, after depositing their full powers, found in good and due form, have agreed upon the following provisions:

CHAPTER I.—*The Bombardment of Undefended Ports, Towns, Villages, Dwellings, or Buildings*

ARTICLE 1

The bombardment by naval forces of undefended ports, towns, villages, dwellings, or buildings is forbidden.

A place cannot be bombarded solely because automatic submarine contact mines are anchored off the harbor.

ARTICLE 2

Military works, military or naval establishments, depots of arms or war *matériel*, workshops or plant which could be utilized for the needs of the hostile fleet or army, and the ships of war in the harbor, are not, however, included in this prohibition. The commander of a naval force may destroy them with artillery after a summons followed by reasonable time of waiting, if all other means are impossible, and when the local authorities have not themselves destroyed them within the time fixed.

He incurs no responsibility for any unavoidable damage which may be caused by a bombardment under such circumstances.

If for military reasons immediate action is necessary, and no delay can be allowed the enemy, it is understood that the prohibition to bombard the undefended town holds good, as in the



comme dans le cas éconcé dans l'alinéa 1er et q
ant prendra toutes les dispositions voulues pou
pour cette ville le moins d'inconvénients possib

ARTICLE 3

Il peut, après notification expresse, être p
bardement des ports, villes, villages, habitatio
non défendus, si les autorités locales, mises e
une sommation formelle, refusent d'obtempére
tions de vivres ou d'approvisionnements néces
présent de la force navale qui se trouve devant la

Ces réquisitions seront en rapport avec les r
localité. Elles ne seront réclamées qu'avec l'
commandant de ladite force navale et elles sero
possible, payées au comptant; sinon elles seront
des reçus.

ARTICLE 4

Est interdit le bombardement, pour le non pai
tributions en argent, des ports, villes, villages,
bâtiments, non défendus.

CHAPITRE II.—*Dispositions général*

ARTICLE 5

Dans le bombardement par des forces nava
mesures nécessaires doivent être prises par le com
épargner, autant que possible, les édifices consac
aux arts, aux sciences et à la bienfaisance, les m
toriques, les hôpitaux et les lieux de rassemblem
ou de blessés, à condition qu'ils ne soient pas emp
temps à un but militaire.

Le devoir des habitants est de désigner ces m
édifices ou lieux de rassemblement, par des sign
consisteront en grands panneaux rectangulaire
agés, suivant uno des diagonales, en deux trian
noire en haut et blanche en bas.

case given in paragraph 1, and that the commander shall take all due measures in order that the town may suffer as little harm as possible.

ARTICLE 3

After due notice has been given, the bombardment of undefended ports, towns, villages, dwellings, or buildings may be commenced, if the local authorities, after a formal summons has been made to them, decline to comply with requisitions for provisions or supplies necessary for the immediate use of the naval force before the place in question.

These requisitions shall be in proportion to the resources of the place. They shall only be demanded in the name of the commander of the said naval force, and they shall, as far as possible, be paid for in cash; if not, they shall be evidenced by receipts.

ARTICLE 4

Undefended ports, towns, villages, dwellings, or buildings may not be bombarded on account of failure to pay money contributions.

CHAPTER II.—*General Provisions*

ARTICLE 5

In bombardment by naval forces all the necessary measures must be taken by the commander to spare as far as possible sacred edifices, buildings used for artistic, scientific, or charitable purposes, historic monuments, hospitals, and places where the sick or wounded are collected, on the understanding that they are not used at the same time for military purposes.

It is the duty of the inhabitants to indicate such monuments, edifices, or places by visible signs, which shall consist of large stiff rectangular panels divided diagonally into two colored triangular portions, the upper portion black, the lower portion white.

ARTICLE 6

Sauf le cas où les exigences militaires ne le perme
le commandant de la force navale assaillante doit, a
prendre le bombardement, faire tout ce qui dépend
avertir les autorités.

ARTICLE 7

Il est interdit de livrer au pillage une ville ou lo
prise d'assaut.

CHAPITRE III.—*Dispositions finales*

ARTICLE 8

Les dispositions de la présente Convention ne sont
qu'entre les Puissances contractantes et seulement si
rants sont tous parties à la Convention.

ARTICLE 9

La présente Convention sera ratifiée aussitôt que p

Les ratifications seront déposées à La Haye.

Le premier dépôt de ratifications sera constaté par
verbal signé par les représentants des Puissances qui
part et par le Ministre des Affaires Étrangères des Pa

Les dépôts ultérieurs de ratifications se feront au m
notification écrite, adressée au Gouvernement des P
accompagnée de l'instrument de ratification.

Copie certifiée conforme du procès-verbal relatif
dépôt de ratifications, des notifications mentionnées
précédent, ainsi que des instruments de ratificatio
médiatement remise, par les soins du Gouvernement
Bas et par la voie diplomatique, aux Puissances co
Deuxième Conférence de la Paix, ainsi qu'aux autres
qui auront adhéré à la Convention. Dans les cas
l'alinéa précédent, ledit Gouvernement leur fera co
même temps la date à laquelle il a reçu la notificatio

ARTICLE 10

Les Puissances non signataires sont admises à ad
présente Convention.

ARTICLE 6

If the military situation permits, the commander of the attacking naval force, before commencing the bombardment, must do his utmost to warn the authorities.

ARTICLE 7

A town or place, even when taken by storm, may not be pillaged.

CHAPTER III.—*Final Provisions*

ARTICLE 8

The provisions of the present convention do not apply except between contracting powers, and then only if all the belligerents are parties to the convention.

ARTICLE 9

The present convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the representatives of the powers which take part therein and by the Netherland Minister of Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government, through the diplomatic channel, to the powers invited to the Second Peace Conference, as well as to the other powers which have adhered to the convention. In the cases contemplated in the preceding paragraph, the said Government shall inform them at the same time of the date on which it received the notification.

ARTICLE 10

Non-signatory powers may adhere to the present convention.

La Puissance qui désire adhérer notifie par écrit son intention au Gouvernement des Pays-Bas en lui transmettant l'acte d'adhésion qui sera déposé dans les archives dudit Gouvernement.

Ce Gouvernement transmettra immédiatement à toutes les autres Puissances copie certifiée conforme de la notification ainsi que de l'acte d'adhésion, en indiquant la date à laquelle il a reçu la notification.

ARTICLE 11

La présente Convention produira effet pour, les Puissances qui auront participé au premier dépôt de ratifications, soixante jours après la date du procès-verbal de ce dépôt et, pour les Puissances qui ratifieront ultérieurement ou qui adhéreront, soixante jours après que la notification de leur ratification ou de leur adhésion aura été reçue par le Gouvernement des Pays-Bas.

ARTICLE 12

S'il arrivait qu'une des Puissances Contractantes voulût dénoncer la présente Convention, la dénonciation sera notifiée par écrit au Gouvernement des Pays-Bas qui communiquera immédiatement copie certifiée conforme de la notification à toutes les autres Puissances en leur faisant savoir la date à laquelle il l'a reçue.

La dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée et un an après que la notification en sera parvenue au Gouvernement des Pays-Bas.

ARTICLE 13

Un registre tenu par le Ministère des Affaires Étrangères des Pays-Bas indiquera la date du dépôt de ratifications effectué en vertu de l'article 9 alinéas 3 et 4, ainsi que la date à laquelle auront été reçues les notifications d'adhésion (article 10 alinéa 2) ou de dénonciation (article 12 alinéa 1).

Chaque Puissance contractante est admise à prendre connaissance de ce registre et à en demander des extraits certifiés conformes.

En foi de quoi, les Plénipotentiaires ont revêtu la présente Convention de leurs signatures.

The power which desires to adhere shall notify its intention to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

This Government shall immediately forward to all the other powers a duly certified copy of the notification, as well as of the act of adhesion, mentioning the date on which it received the notification.

ARTICLE 11

The present convention shall come into force, in the case of the powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of that deposit, and, in the case of the powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE 12

In the event of one of the contracting powers wishing to denounce the present convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the other powers informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying power, and one year after the notification has reached the Netherland Government.

ARTICLE 13

A register kept by the Netherland Minister for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 9, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 10, paragraph 2) or of denunciation (Article 12, paragraph 1) have been received.

Each contracting power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the plenipotentiaries have appended their signatures to the present convention.

Fait à La Haye, le dix-huit octobre mil neuf cent sept, en un seul exemplaire qui restera déposé dans les archives du Gouvernement des Pays-Bas et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances qui ont été conviées à la Deuxième Conférence de la Paix.

CONVENTION POUR L'ADAPTATION A LA GUERRE MARITIME DES PRINCIPES DE LA CONVENTION DE GENÈVE

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse, etc:

Egalement animés du désir de diminuer, autant qu'il dépend d'eux, les maux inséparables de la guerre;

Et voulant, dans ce but, adapter à la guerre maritime les principes de la Convention de Genève du 6 juillet 1906;

Ont résolu de conclure une Convention à l'effet de réviser la Convention du 29 juillet 1899 relative à la même matière et ont nommé pour Leurs Plénipotentiaires, savoir:

[Dénomination des Plénipotentiaires]

Lesquels, après avoir déposé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des dispositions suivantes:

Article 1

Les bâtiments-hôpitaux militaires, c'est-à-dire les bâtiments construits ou aménagés par les États spécialement et uniquement en vue de porter secours aux blessés, malades et naufragés, et dont les noms auront été communiqués, à l'ouverture ou au cours des hostilités, en tout cas avant toute mise en usage, aux Puissances belligérantes, sont respectés et ne peuvent être capturés pendant la durée des hostilités.

Ces bâtiments ne sont pas non plus assimilés aux navires de guerre au point de vue de leur séjour dans un port neutre.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the powers which have been invited to the Second Peace Conference.[1]

CONVENTION FOR THE ADAPTATION TO NAVAL WAR OF THE PRINCIPLES OF THE GENEVA CONVENTION[2]

His Majesty the German Emperor, King of Prussia, etc:

Animated alike by the desire to diminish, as far as depends on them, the inevitable evils of war;

And wishing with this object to adapt to maritime warfare the principles of the Geneva Convention of the 6th July, 1906;

Have resolved to conclude a convention for the purpose of revising the convention of the 29th July, 1899, relative to this question, and have appointed the following as their plenipotentiaries:

[Names of plenipotentiaries]

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions:

ARTICLE 1

Military hospital ships, that is to say, ships constructed or assigned by states specially and solely with a view to assisting the wounded, sick, or shipwrecked, the names of which have been communicated to the belligerent powers at the beginning or during the course of hostilities, and in any case before they are employed, shall be respected and can not be captured while hostilities last.

These ships, moreover, are not on the same footing as war ships as regards their stay in a neutral port.

[1] On March 10, 1908, the Senate of the United States, in executive session, advised and consented to the ratification of the convention respecting bombardment by naval forces in time of war, signed October 18, 1907. EDITOR.

[2] Articles and clauses in italics indicate the differences between the conventions of 1899 and 1907.

ARTICLE 2

Les bâtiments hospitaliers, équipés en totalité ou en partie aux frais des particuliers ou des sociétés de secours officiellement reconnues, sont également respectés et exempts de capture, si la Puissance belligérante dont ils dépendent, leur a donné une commission officielle et en a notifié les noms à la Puissance adverse à l'ouverture ou au cours des hostilités, en tout cas avant toute mise en usage.

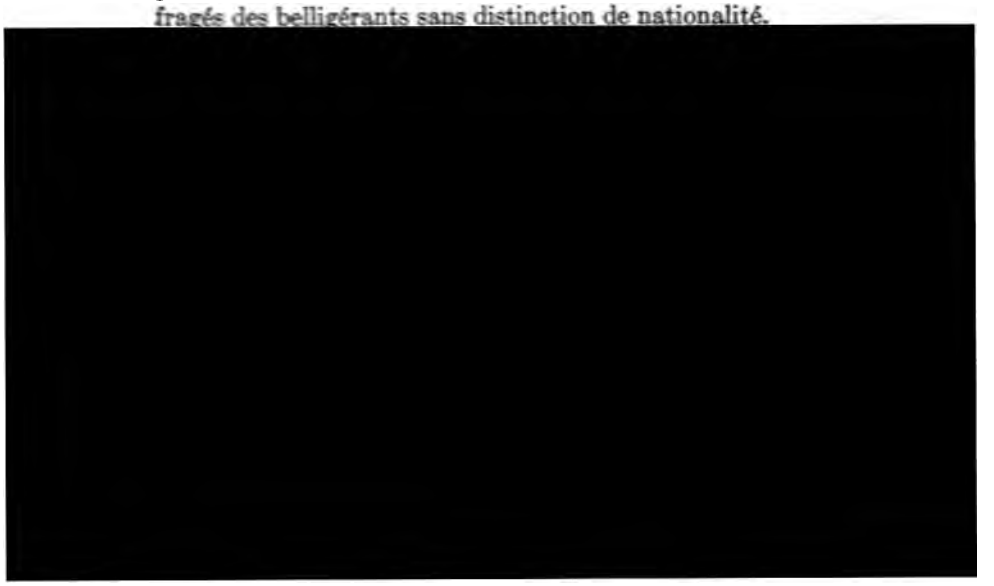
Ces navires doivent être porteurs d'un document de l'autorité compétente déclarant qu'ils ont été soumis à son contrôle pendant leur armement et à leur départ final.

ARTICLE 3

Les bâtiments hospitaliers, équipés en totalité ou en partie aux frais des particuliers ou des sociétés officiellement reconnues de pays neutres, sont respectés et exempts de capture, à condition qu'ils se soient mis sous la direction de l'un des belligérants, avec l'assentiment préalable de leur propre Gouvernement et avec l'autorisation du belligérant lui-même et que ce dernier en ait notifié le nom à son adversaire dès l'ouverture ou dans le cours des hostilités, en tout cas, avant tout emploi.

ARTICLE 4

Les bâtiments qui sont mentionnés dans les articles 1, 2 et 3, porteront secours et assistance aux blessés, malades et naufragés des belligérants sans distinction de nationalité.



ARTICLE 2

Hospital ships, equipped wholly or in part at the cost of private individuals or officially recognized relief societies, shall be likewise respected and exempt from capture, if the belligerent power to whom they belong has given them an official commission and has notified their names to the hostile power at the commencement of or during hostilities, and in any case before they are employed.

These ships must be provided with a certificate from the competent authorities declaring that the vessels have been under their control while fitting out and on final departure.

ARTICLE 3

Hospital ships, equipped wholly or in part at the expense of private individuals or officially recognized societies of neutral countries, shall be respected and exempt from capture, on condition *that they are placed under the control of one of the belligerents with the previous consent of their own government and with the authorization of the belligerent himself*, and that the latter has notified their name to his adversary at the commencement of or during hostilities, and in any case, before they are employed.

ARTICLE 4

The ships mentioned in Articles 1, 2, and 3 shall afford relief and assistance to the wounded, sick, and shipwrecked of the belligerents without distinction of nationality.

The governments undertake not to use these ships for any military purpose.

These vessels must in no wise hamper the movements of the combatants.

During and after an engagement they will act at their own risk and peril.

The belligerents shall have the right to control and search them; they can refuse to help them, order them off, make them take a certain course, and put a commissioner on board; they can even detain them, if important circumstances require it.

As far as possible the belligerents shall enter in the log of the hospital ships the orders which they give them.

ARTICLE 5

Les bâtiments-hôpitaux militaires seront distingués par une peinture extérieure blanche avec une bande horizontale verte d'un mètre et demi de largeur environ.

Les bâtiments qui sont mentionnés dans les articles 2 et 3, seront distingués par une peinture extérieure blanche avec une bande horizontale rouge d'un mètre et demi de larguer environ.

Les embarcations des bâtiments qui viennent d'être mentionnés, comme les petits bâtiments qui pourront être affectés au service hospitalier, se distingueront par une peinture analogue.

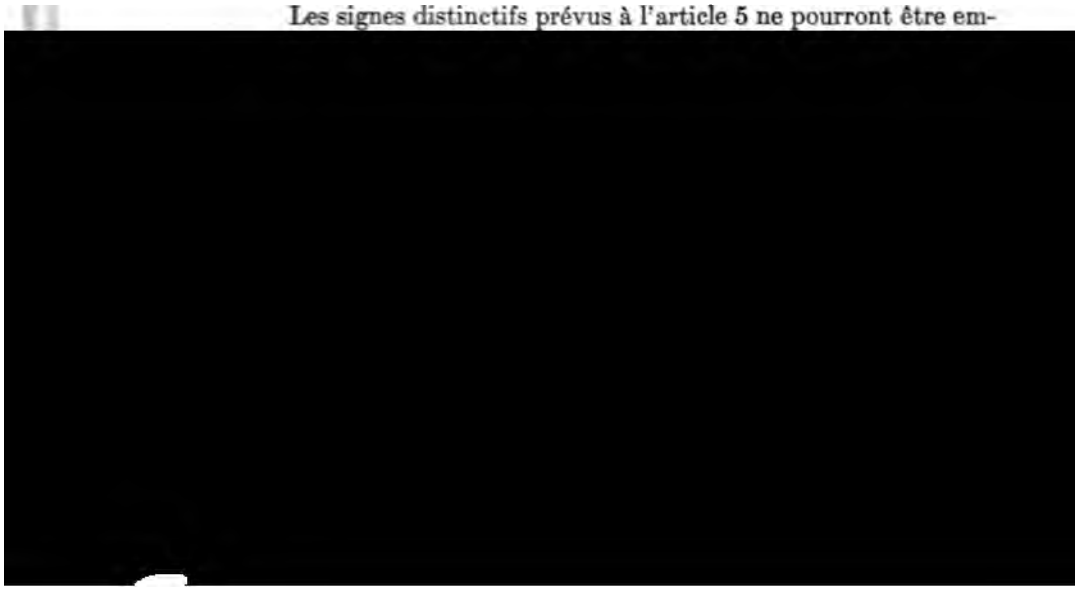
Tous les bâtiments hospitaliers se feront reconnaître en hissant, avec leur pavillon national, le pavillon blanc à croix-rouge prévu par la Convention de Genève et, en outre, s'ils ressortissent à un État neutre, en arborant au grand mât le pavillon national du belligérant sous la direction duquel ils se sont placés.

Les bâtiments hospitaliers qui, dans les termes de l'article 4, sont détenus par l'ennemi, auront à rentrer le pavillon national du belligérant dont ils relèvent.

Les bâtiments et embarcations ci-dessus mentionnés, qui veulent s'assurer la nuit le respect auquel ils ont droit, ont, avec l'assentiment du belligérant qu'ils accompagnent, à prendre les mesures nécessaires pour que la peinture qui les caractérise soit suffisamment apparente.

ARTICLE 6

Les signes distinctifs prévus à l'article 5 ne pourront être em-



ARTICLE 5

Military hospital ships shall be distinguished by being painted white outside with a horizontal band of green about a meter and a half in breadth.

The ships mentioned in Articles 2 and 3 shall be distinguished by being painted white outside with a horizontal band of red about a meter and a half in breadth.

The boats of the ships above mentioned, as also small craft which may be used for hospital work, shall be distinguished by similar painting.

All hospital ships shall make themselves known by hoisting, with their national flag, the white flag with a red cross provided by the Geneva Convention, *and further, if they belong to a neutral state by flying at the mainmast the national flag of the belligerent under whose control they are placed.*

Hospital ships which, in the terms of Article 4, are detained by the enemy, must haul down the national flag of the belligerent to whom they belong.

The ships and boats above mentioned which wish to ensure by night the freedom from interference to which they are entitled, must, subject to the assent of the belligerent they are accompanying, take the necessary measures to render their special painting sufficiently plain.

ARTICLE 6

The distinguishing signs referred to in Article 5 can only be used, whether in time of peace or war, for protecting or indicating the ships therein mentioned.

ARTICLE 7

In the case of a fight on board a war ship, the sick wards shall be respected and spared as far as possible.

The sick wards and the matériel belonging to them remain subject to the laws of war; they cannot, however, be used for any purpose other than that for which they were originally intended, so long as they are required for the sick and wounded.

The commander, however, into whose power they have fallen may apply them to other purposes, if the military situation requires i

assurant au préalable le sort des blessés et malades qui s'y trouvent.

ARTICLE 8

La protection due aux bâtiments hospitaliers et aux infirmeries des vaisseaux cesse si l'on en use pour commettre des actes nuisibles à l'ennemi.

N'est pas considéré comme étant de nature à justifier le retrait de la protection le fait que le personnel de ces bâtiments et infirmeries est armé pour le maintien de l'ordre et pour la défense des blessés ou malades, ainsi que le fait de la présence à bord d'une installation radio-télégraphique.

ARTICLE 9

Les belligérants pourront faire appel au zèle charitable des commandants de bâtiments de commerce, yachts ou embarcations neutres, pour prendre à bord et soigner des blessés ou des malades.

Les bâtiments qui auront répondu à cet appel ainsi que ceux qui spontanément auront recueilli des blessés, des malades ou des naufragés, jouiront d'une protection spéciale et de certaines immunités. En aucun cas, ils ne pourront être capturés pour le fait d'un tel transport; mais, sauf les promesses qui leur auraient été faites, ils restent exposés à la capture pour les violations de neutralité qu'ils pourraient avoir commises.



after seeing that the sick and wounded on board are properly provided for.

ARTICLE 8

Hospital ships and sick wards of vessels are no longer entitled to protection if they are employed for the purpose of injuring the enemy.

The fact of the staff of the said ships and sick wards being armed for maintaining order and for defending the sick and wounded, and the presence of wireless telegraphy apparatus on board, is not a sufficient reason for withdrawing protection.

ARTICLE 9

Belligerents may appeal to the charity of the commanders of neutral merchant ships, yachts, or boats to take on board and tend the sick and wounded.

Vessels responding to this appeal, and also vessels which have of their own accord rescued sick, wounded, or shipwrecked men, shall enjoy special protection and certain immunities. In no case can they be captured for having such persons on board, but, apart from special undertakings that have been made to them, they remain liable to capture for any violations of neutrality they may have committed.

ARTICLE 10

The religious, medical, and hospital staff of any captured ship is inviolable, and its members can not be made prisoners of war. On leaving the ship they take away with them the objects and surgical instruments which are their own private property.

This staff shall continue to discharge its duties while necessary, and can afterwards leave, when the commander-in-chief considers it possible.

The belligerents must guarantee to the said staff, when it has fallen into their hands, *the same allowances in pay which are given to the staff of corresponding rank in their own navy.*

ARTICLE 11

Les marins et les militaires embarqués, et les autres personnes officiellement attachées aux marines ou aux armées, blessés ou malades, à quelque nation qu'ils appartiennent, seront respectés et soignés par les capteurs.

ARTICLE 12

Tout vaisseau de guerre d'une partie belligérante peut réclamer la remise des blessés, malades ou naufragés, qui sont à bord de bâtiments-hôpitaux militaires, de bâtiments hospitaliers de société de secours ou de particuliers, de navires de commerce, yachts, et embarcations, quelle que soit la nationalité de ces bâtiments.

ARTICLE 13

Si des blessés, malades, ou naufragés sont recueillis à bord d'un vaisseau de guerre neutre, il devra être pourvu, dans la mesure du possible, à ce qu'ils ne puissent pas de nouveau prendre part aux opérations de la guerre.

ARTICLE 14

Sont prisonniers de guerre les naufragés, blessés ou malades d'un belligérant qui tombent au pouvoir de l'autre. Il appartient à celui-ci de décider, suivant les circonstances, s'il convient de les garder, de les diriger sur un port de sa nation, sur un port neutre ou même sur un port de l'adversaire. Dans ce dernier cas, les prisonniers ainsi rendus à leur pays ne pourront servir pendant la durée de la guerre.

ARTICLE 15

Les naufragés, blessés ou malades, qui sont débarqués dans un port neutre, du consentement de l'autorité locale, devront, à moins d'un arrangement contraire de l'État neutre avec les États belligérants, être gardés par l'État neutre de maniére qu'ils ne puissent pas de nouveau prendre part aux opérations de la guerre.

Les frais d'hospitalisation et d'internement seront supportés par l'État dont relèvent les naufragés, blessés ou malades.

ARTICLE 11

Sailors and soldiers on board, when sick or wounded, as well as other persons officially attached to fleets or armies, whatever their nationality, shall be respected and tended by the captors.

ARTICLE 12

Any war ship belonging to a belligerent may demand that sick, wounded, or shipwrecked men on board military hospital ships, hospital ships belonging to relief societies or to private individuals, merchant ships, yachts, or boats, whatever the nationality of these vessels, should be handed over.

ARTICLE 13

If sick, wounded, or shipwrecked persons are taken on board a neutral war ship, every possible precaution must be taken that they do not again take part in the operations of the war.

ARTICLE 14

The shipwrecked, wounded, or sick of one of the belligerents who fall into the power of the other belligerent are prisoners of war. The captor must decide, according to circumstances, whether to keep them, send them to a port of his own country, to a neutral port, or even to an enemy port. In this last case, prisoners thus repatriated can not serve again while the war lasts.

ARTICLE 15

The shipwrecked, sick, or wounded, who are landed at a neutral port with the consent of the local authorities, must, unless an arrangement is made to the contrary between the neutral state and the belligerent states, be guarded by the neutral state so as to prevent them again taking part in the operations of the war.

The expenses of tending them in hospital and interning them shall be borne by the state to which the shipwrecked, sick, or wounded persons belong.

ARTICLE 16

Après chaque combat, les deux Parties belligérantes, en tant que les intérêts militaires le comportent, prendront des mesures pour rechercher les naufragés, les blessés et les malades et pour les faire protéger, ainsi que les morts, contre le pillage et les mauvais traitements.

Elles veilleront à ce que l'inhumation, l'immersion ou l'incinération des morts soit précédée d'un examen attentif de leurs cadavres.

ARTICLE 17

Chaque belligérant enverra, dès qu'il sera possible, aux autorités de leur pays, de leur marine ou de leur armée, les marques ou pièces militaires d'identité trouvées sur les morts et l'état nominatif des blessés ou malades recueillis par lui.

Les belligérants se tiendront réciproquement au courant des internements et des mutations, ainsi que des entrées dans les hôpitaux et des décès survenus parmi les blessés et malades en leur pouvoir. Ils recueilleront tous les objets d'un usage personnel, valeurs, lettres, etc., qui seront trouvés dans les vaisseaux capturés, ou délaissés par les blessés ou malades décédés dans les hôpitaux, pour les faire transmettre aux intéressés par les autorités de leur pays.

ARTICLE 18

Les dispositions de la présente Convention ne sont applicables qu'entre les Puissances contractantes et seulement si les belligérants sont tous parties à la Convention.

ARTICLE 19

Les commandants en chef des flottes des belligérants auront à pourvoir aux détails d'exécution des articles précédents, ainsi qu'aux cas non prévus, d'après les instructions de leurs Gouvernements respectifs et conformément aux principes généraux de la présente Convention.

ARTICLE 20

Les Puissances signataires prendront les mesures nécessaires pour instruire leurs marines, et spécialement le personnel pro-

ARTICLE 16

After every engagement, the two belligerents, so far as military interests permit, shall take steps to look for the shipwrecked, sick, and wounded, and to protect them, as well as the dead, against pillage and ill treatment.

They shall see that the burial, whether by land or sea, or cremation of the dead shall be preceded by a careful examination of the corpse.

ARTICLE 17

Each belligerent shall send, as early as possible, to the authorities of their country, navy, or army the military marks or documents of identity found on the dead and the description of the sick and wounded picked up by him.

The belligerents shall keep each other informed as to internments and transfers as well as to the admissions into hospital and deaths which have occurred among the sick and wounded in their hands. They shall collect all the objects of personal use, valuables, letters, etc., which are found in the captured ships, or which have been left by the sick or wounded who died in hospital, in order to have them forwarded to the persons concerned by the authorities of their own country.

ARTICLE 18

The provisions of the present convention do not apply except between contracting powers, and then only if all the belligerents are parties to the convention.

ARTICLE 19

The commanders in chief of the belligerent fleets must see that the above articles are properly carried out; they will have also to see to cases not covered thereby, in accordance with the instructions of their respective governments and in conformity with the general principles of the present convention.

ARTICLE 20

The signatory powers shall take the necessary measures for bringing the provisions of the present convention to the knowledge of

tégé, des dispositions de la présente Convention et pour les porter à la connaissance des populations.

ARTICLE 21

Les Puissances signataires s'engagent également à prendre ou à proposer à leurs législatures, en cas d'insuffisance de leurs lois pénales, les mesures nécessaires pour réprimer en temps de guerre, les actes individuels de pillage et de mauvais traitements envers des blessés et malades des marines, ainsi que pour punir, comme usurpation d'insignes militaires, l'usage abusif des signes distinctifs désignés à l'article 5 par des bâtiments non protégés par la présente Convention.

Ils se communiqueront, par l'intermédiaire du Gouvernement des Pays-Bas, les dispositions relatives à cette répression, au plus tard dans les cinq ans de la ratification de la présente convention.

ARTICLE 22

En cas d'opérations de guerre entre les forces de terre et de mer des belligérants, les dispositions de la présente Convention ne seront applicables qu'aux forces embarquées.

ARTICLE 23

La présente Convention sera ratifiée aussitôt que possible.

Les ratifications seront déposées à La Haye.

Le premier dépôt de ratifications sera constaté par un procès-verbal signé par les représentants des Puissances qui y prennent part et par le Ministre des Affaires Étrangères des Pays-Bas.

Les dépôts ultérieurs de ratifications se feront au moyen d'une notification écrite, adressée au Gouvernement des Pays-Bas et accompagnée de l'instrument de ratification.

Copie certifiée conforme du procès-verbal relatif ou premier dépôt de ratifications, des notifications mentionnées à l'alinéa précédent, ainsi que des instruments de ratification, sera immédiatement remise par les soins du Gouvernement des Pays-Bas et par la voie diplomatique aux Puissances conviées à la Deuxième Conférence de la Paix, ainsi qu'aux autres Puissances qui auront adhéré à la Convention. Dans les cas visés par l'alinéa précédent, ledit Gouvernement leur fera connaître en même temps la date à laquelle il a reçu la notification.

their naval forces, and especially of the members entitled thereunder to immunity, and for making them known to the public.

ARTICLE 21

The signatory powers likewise undertake to enact or to propose to their legislatures, if their criminal laws are inadequate, the measures necessary for checking in time of war individual acts of pillage and ill treatment in respect to the sick and wounded in the fleet, as well as for punishing, as an unjustifiable adoption of naval or military marks, the unauthorized use of the distinctive marks mentioned in Article 5 by vessels not protected by the present convention.

They will communicate to each other, through the Netherland Government, the enactments for preventing such acts at the latest within five years of the ratification of the present convention.

ARTICLE 22

In the case of operations of war between the land and sea forces of belligerents, the provisions of the present convention do not apply except between the forces actually on board ship.

ARTICLE 23

The present convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a procès-verbal signed by the representatives of the powers taking part therein and by the Netherland Minister for Foreign Affairs.

Subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A certified copy of the procès-verbal relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government through the diplomatic channel to the powers invited to the Second Peace Conference, as well as to the other powers which have adhered to the convention. In the cases contemplated in the preceding paragraph the said Government shall inform them at the same time of the date on which it received the notification.

ARTICLE 24

Les Puissances non signataires qui auront accepté la Convention de Genève du 6 juillet 1906, sont admises à adhérer à la présente Convention.

La Puissance qui désire adhérer, notifie par écrit son intention au Gouvernement des Pays-Bas en lui transmettant l'acte d'adhésion qui sera déposé dans les archives dudit Gouvernement.

Ce Gouvernement transmettra immédiatement à toutes les autres Puissances copie certifiée conforme de la notification ainsi que de l'acte d'adhésion, en indiquant la date à laquelle il a reçu la notification.

ARTICLE 25

La présente Convention, dûment ratifiée, remplacera dans les rapports entre les Puissances contractantes, la Convention du 29 juillet 1899 pour l'adaptation à la guerre maritime des principes de la Convention de Genève.

La Convention de 1899 reste en vigueur dans les rapports entre les Puissances qui l'ont signée et qui ne ratifieraient pas également la présente Convention.

ARTICLE 26

La présente Convention produira effet pour les Puissances qui auront participé au premier dépôt de ratifications, soixante jours après la date du procès-verbal de ce dépôt, et, pour les Puissances qui ratifieront ultérieurement ou qui adhéreront, soixante jours après que la notification de leur ratification ou de leur adhésion aura été reçue par le Gouvernement des Pays-Bas.

ARTICLE 27

S'il arrivait qu'une des Puissances contractantes voulût dénoncer la présente Convention, la dénonciation sera notifiée par écrit au Gouvernement des Pays-Bas, qui communiquera immédiatement copie certifiée conforme de la notification à toutes les autres Puissances en leur faisant savoir la date à laquelle il l'a reçue.

La dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée et un an après que la notification en sera parvenue au Gouvernement des Pays-Bas.

ARTICLE 24

Non-signatory powers which have accepted the Geneva Convention of the *6th July, 1906*, may adhere to the present convention.

The power which desires to adhere notifies its intention to the Netherland Government in writing, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

The said Government shall at once transmit to all the other powers a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

ARTICLE 25

The present convention, duly ratified, shall replace as between contracting powers, the convention of the 29th July, 1899, for the adaptation to maritime warfare of the principles of the Geneva Convention.

The convention of 1899 remains in force as between the powers which signed it but which do not also ratify the present convention.

ARTICLE 26

The present convention shall come into force, in the case of the powers which were a party to the first deposit of ratifications, sixty days after the date of the procès-verbal of this deposit, and in the case of the powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE 27

In the event of one of the contracting powers wishing to denounce the present convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the other powers, *informing them at the same time of the date on which it was received.*

The denunciation shall only have effect in regard to the notifying power, *and* one year after the notification has *reached the Netherland Government.*

ARTICLE 28

Un registre tenu par le Ministère des Affaires Étrangères des Pays-Bas indiquera la date du dépôt des ratifications effectué en vertu de l'article 23 alinéas 3 et 4, ainsi que la date à laquelle auront été reçues les notifications d'adhésion (article 24 alinéa 2) ou de dénonciation (article 27 alinéa 1).

Chaque Puissance contractante est admise à prendre connaissance de ce registre et à en demander des extraits certifiés conformes.

En foi de quoi, les Plénipotentiaires ont revêtu la présente Convention de leurs signatures.

Fait à La Haye, le dix-huit octobre mil neuf cent sept, en un seul exemplaire qui restera déposé dans les archives du Gouvernement des Pays-Bas et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances qui ont été conviées à la Deuxième Conférence de la Paix.

CONVENTION RELATIVE À CERTAINES RESTRICTIONS À L'EXERCICE DU DROIT DE CAPTURE DANS LA GUERRE MARITIME

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse, etc:

Reconnaissant la nécessité de mieux assurer que par le passé l'application équitable du droit aux relations maritimes internationales en temps de guerre;

Estimant que, pour y parvenir, il convient, en abandonnant ou en conciliant le cas échéant dans un intérêt commun certaines pratiques divergentes anciennes, d'entreprendre de codifier dans des règles communes les garanties dues au commerce pacifique et au travail inoffensif, ainsi que la conduite des hostilités sur mer; qu'il importe de fixer dans des engagements mutuels écrits les principes demeurés jusqu'ici dans le domaine incertain de la controverse ou laissés à l'arbitraire des Gouvernements;

ARTICLE 28

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 23, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 24, paragraph 2)or of denunciation (Article 27, paragraph 1) have been received.

Each contracting power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the plenipotentiaries have appended their signatures to the present convention.

Done at The Hague, the *18th October*, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the powers which have been invited to the Second Peace Conference.[1]

CONVENTION RELATIVE TO CERTAIN RESTRICTIONS WITH REGARD TO THE EXERCISE OF THE RIGHT OF CAPTURE IN NAVAL WAR

His Majesty the German Emperor, King of Prussia, etc:

Recognizing the necessity of more effectively ensuring than hitherto the equitable application of law to the international relations of martime powers in time of war;

Considering that, for this purpose, it is expedient, in giving up or, if necessary, in harmonizing for the common interest certain conflicting practices of long standing, to commence codifying in regulations of general application the guaranties due to peaceful commerce and legitimate business, as well as the conduct of hostilities by sea; that it is expedient to lay down in written mutual engagements the principles which have hitherto remained in the uncertain domain of controversy or have been left to the discretion of governments;

[1] On March 10, 1908, the Senate of the United States, in executive session, advised and consented to the ratification of the convention for the adaptation to naval war of the principles of the Geneva convention, signed October 18, 1907.—EDITOR.

Que, dès à présent, un certain nombre de règles peuvent être posées, sans qu'il soit porté atteinte au droit actuellement en vigueur concernant les matières qui n'y sont pas prévues;

Ont nommé pour leurs Plénipotentiaires, savoir:

[Dénomination des Plénipotentiaires]

Lesquels, après avoir déposé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des dispositions suivantes:

Chapitre I.—*De la Correspondance postale*

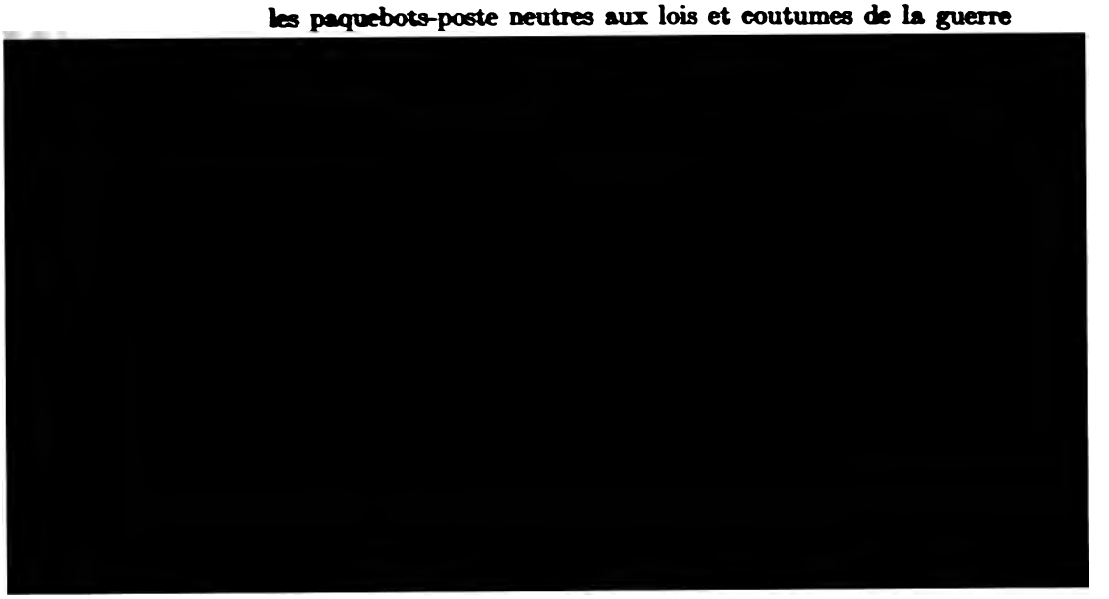
Article 1

La correspondance postale des neutres ou des belligérants, quel que soit son caractère officiel ou privé, trouvée en mer sur un navire neutre ou ennemi, est inviolable. S'il y a saisie du navire, elle est expédiée avec le moins de retard possible par le capteur.

Les dispositions de l'alinéa précédent ne s'appliquent pas, en cas de violation de blocus, à la correspondance qui est à destination ou en provenance du port bloqué.

Article 2

L'inviolabilité de la correspondance postale ne soustrait pas les paquebots-poste neutres aux lois et coutumes de la guerre



That, from henceforth, a certain number of rules may be made, without affecting the common law now in force with regard to the matters which that law has left unsettled;

Have appointed the following as their plenipotentiaries:

[Names of plenipotentiaries]

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions:

CHAPTER I—*Postal Correspondence*

ARTICLE 1

The postal correspondence of neutrals or belligerents, whatever its official or private character maybe, found on the high seas on board a neutral or enemy ship, is inviolable. If the ship is detained, the correspondence is forwarded by the captor with the least possible delay.

The provisions of the preceding paragraph do not apply, in case of violation of blockade, to correspondence destined for or proceeding from a blockaded port.

ARTICLE 2

The inviolability of postal correspondence does not exempt a neutral mail ship from the laws and customs of maritime war as to neutral merchant ships in general. The ship, however, may not be searched except when absolutely necessary, and then only with as much consideration and expedition as possible.

CHAPTER II.—*The Exemption from Capture of Certain Vessels*

ARTICLE 3

Vessels used exclusively for fishing along the coast or small boats employed in local trade are exempt from capture, as well as their appliances, rigging, tackle, and cargo.

They cease to be exempt as soon as they take any part whatever in hostilities.

Les Puissances contractantes s'interdisent de profiter du caractère inoffensif desdits bateaux pour les employer dans un but militaire en leur conservant leur apparence pacifique.

ARTICLE 4

Sont également exempts de capture les navires chargés de missions religieuses, scientifiques ou philanthropiques.

CHAPITRE III.—*Du régime des équipages des navires de commerce ennemis capturés par un belligérant*

ARTICLE 5

Lorsqu'un navire de commerce ennemi est capturé par un belligérant, les hommes de son équipage, nationaux d'un État neutre, ne sont pas faits prisonniers de guerre.

Il en est de même du capitaine et des officiers, également nationaux d'un État neutre, s'ils promettent formellement par écrit de ne pas servir sur un navire ennemi pendant la durée de la guerre.

ARTICLE 6

Le capitaine, les officiers et les membres de l'équipage, nationaux de l'État ennemi, ne sont pas faits prisonniers de guerre, à condition qu'ils s'engagent, sous la foi d'une promesse formelle écrite, à ne prendre, pendant la durée des hostilités, aucun service ayant rapport avec les opérations de la guerre.

The contracting powers agree not to take advantage of the harmless character of the said vessels in order to use them for military purposes while preserving their peaceful appearance.

ARTICLE 4

Vessels charged with religious, scientific, or philanthropic missions are likewise exempt from capture.

CHAPTER III.—*Regulations Regarding the Crews of Enemy Merchant Ships Captured by a Belligerent*

ARTICLE 5

When an enemy merchant ship is captured by a belligerent, such of its crew as are nationals of a neutral state are not made prisoners of war.

The same rule applies in the case of the captain and officers likewise nationals of a neutral state, if they promise formally in writing not to serve on an enemy ship while the war lasts.

ARTICLE 6

The captain, officers, and members of the crew, when nationals of the enemy state, are not made prisoners of war, on condition that they make a formal promise in writing not to undertake, while hostilities last, any service connected with the operations of the war.

ARTICLE 7

The names of the persons retaining their liberty under the conditions laid down in Article 5, paragraph 2, and in Article 6, are notified by the belligerent captor to the other belligerent. The latter is forbidden knowingly to employ the said persons.

ARTICLE 8

The provisions of the three preceding articles do not apply to ships taking part in the hostilities.



ARTICLE 10

La présente Convention sera ratifiée aussitôt que pos
Les ratifications seront déposées à La Haye.

Le premier dépôt de ratifications sera constaté par u
verbal signé par les représentants des Puissances qui y
part et par le Ministre des Affaires Étrangères des Pays

Les dépôts ultérieurs de ratifications se feront au moy
notification écrite adressée au Gouvernement des Pay
accompagnée de l'instrument de ratification.

Copie certifiée conforme du procès-verbal relatif au
dépôt de ratifications, des notifications mentionnées à
précédent ainsi que des instruments de ratification,
médiatement remise par les soins du Gouvernement d
Bas et par la voie diplomatique aux Puissances convi
Deuxième Conférence de la Paix, ainsi qu'aux autres Pu
qui auront adhéré à la Convention. Dans les cas v
l'alinéa précédent, ledit Gouvernement leur fera conn
même temps la date à laquelle il a reçu la notification.

ARTICLE 11

Les Puissances non signataires sont admises à adhé
présente Convention.

La Puissance qui désire adhérer notifie par écrit so

CHAPTER IV.—*Final Provisions*

ARTICLE 9

The provisions of the present convention do not apply except between contracting powers, and then only if all the belligerents are parties to the convention.

ARTICLE 10

The present convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the representatives of the powers taking part therein and by the Netherland Minister for Foreign Affairs.

Subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government through the diplomatic channel, to the powers invited to the Second Peace Conference, as well as to the other powers which have adhered to the convention. In the cases contemplated in the preceding paragraph, the said Government shall inform them at the same time of the date on which it received the notification.

ARTICLE 11

Non-signatory powers may adhere to the present convention.

The power which desires to adhere notifies its intention in writing to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

This Government shall at once transmit to all the other powers a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.



leur adhésion aura été reçue par le Gouvernement des

ARTICLE 13

S'il arrivait qu'une des Puissances contractantes
noncer la présente Convention, la dénonciation sera n
écrit au Gouvernement des Pays-Bas qui communiqu
diatement copie certifiée conforme de la notification à
autres Puissances en leur faisant savoir la date à laq
reçue.

La dénonciation ne produira ses effets qu'à l'égard
sance qui l'aura notifiée et un an après que la notif
sera parvenue au Gouvernement des Pays-Bas.

ARTICLE 14

Un registre tenu par le Ministère des Affaires Étra
Pays-Bas indiquera la date du dépôt des ratification
en vertu de l'article 10 alinéas 3 et 4, ainsi que la date
auront été reçues les notifications d'adhésion (article
2) ou de dénonciation (article 13 alinéa 1).

Chaque Puissance contractante est admise à prendr
sance de ce registre et à en demander des extraits cer
formes.

En foi de quoi, les Plénipotentiaires ont revêtu la
Convention de leurs signatures.

Fait à La Haye, le dix-huit octobre mil neuf cent se
seul exemplaire qui restera déposé dans les archives

ARTICLE 12

The present convention shall come into force in the case of the powers which were a party to the first deposit of ratifications sixty days after the *procès-verbal* of that deposit, and, in the case of the powers which ratify subsequently or which adhere, sixty days after the notification of their ratification has been received by the Netherland Government.

ARTICLE 13

In the event of one of the contracting powers wishing to denounce the present convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the other powers, informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying power, and one year after the notification has reached the Netherland Government.

ARTICLE 14

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 10, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (article 11, paragraph 2) or of denunciation (article 13, paragraph 1) have been received.

Each contracting power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the plenipotentiaries have appended their signatures to the present convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the powers invited to the Second Peace Conference.[1]

[1] On March 12, 1908, the Senate of the United States, in executive session, advised and consented to the ratification of the convention relative to certain restrictions with regard to the exercise of the right of capture in naval war, signed October 18, 1907.—EDITOR.

CONVENTION RELATIVE À L'ÉTABLISSEM
COUR INTERNATIONALE DES PRI

Sa Majesté l'Empereur d'Allemagne, Roi de Pru

Animés du désir de régler d'une manière équit
ends qui s'élèvent, parfois, en cas de guerre marit
des décisions des tribunaux de prises nationaux;

Estimant que, si ces tribunaux doivent contin
suivant les formes prescrites par leur législation, il
dans des cas déterminés, un recours puisse être f
conditions qui concilient, dans la mesure du possib
publics et les intérêts privés engagés dans toute aff

Considérant, d'autre part, que l'institution d'u
nationale, dont la compétence et la procédure
neusement réglées, a paru le meilleur moyen d'att

Persuadés, enfin, que de cette façon les conséq
reuses d'une guerre maritime pourront être a
notamment les bons rapports entre les belligérants
auront plus de chance d'être maintenus et qu'ai
vation de la paix sera mieux assurée;

Désirant conclure une convention à cet effet, on
Leurs Plénipotentiaires, savoir:

[Dénomination des Plénipotentiaires

Lesquels, après avoir déposé leurs pleins pouvoi
bonne et due forme, sont convenus des disposition

Titre I.—*Dispositions générales*

Article 1

La validité de la capture d'un navire de comm
cargaison est, s'il s'agit de propriétés neutres ou e
lie devant une juridiction des prises conformément
Convention.

Article 2

La juridiction des prises est exercée d'abord par
de prises du belligérant capteur.

Les décisions de ces tribunaux sont prononc
publique ou notifiées d'office aux parties neutres o

CONVENTION RELATIVE TO THE CREATION OF AN INTERNATIONAL PRIZE COURT

His Majesty the German Emperor, King of Prussia, etc:

Animated by the desire to settle in an equitable manner the differences which sometimes arise in the course of a naval war in connection with the decisions of national prize courts;

Considering that, if these courts are to continue to exercise their functions in the manner determined by national legislation it is desirable that in certain cases an appeal should be provided, under conditions conciliating, as far as possible, the public and private interests involved in matters of prize;

Whereas, moreover, the institution of an international court, whose jurisdiction and procedure would be carefully defined, has seemed to be the best method of attaining this object;

Convinced, finally, that in this manner the hardships consequent on naval war would be mitigated; that, in particular, good relations will be more easily maintained between belligerents and neutrals and peace better assured;

Desirous of concluding a convention to this effect, have appointed the following as their plenipotentiaries:

(Names of plenipotentiaries]

Who, after depositing their full powers, found in good and due form, have agreed upon the following provisions:

PART I. *General Provisions*

ARTICLE 1

The validity of the capture of a merchant ship or its cargo is decided before a prize court in accordance with the present convention when neutral or enemy property is involved.

ARTICLE 2

Jurisdiction in matters of prize is exercised in the first instance by the prize courts of the belligerent captor.

The judgments of these courts are pronounced in public or are officially notified to parties concerned who are neutrals or enemies.



ARTICLE 3

Les décisions des tribunaux de prises n
l'objet d'un recours devant la Cour intern

1°. lorsque la décision des tribunaux n
propriétés d'une Puissance ou d'un
2°. lorsque ladite décision concerne des
et qu'il s'agit:
(*a*) de marchandises chargées sur u
(*b*) d'un navire ennemi, qui aurait
eaux territoriales d'une Puis
cas où cette Puissance n'aur
capture l'objet d'une réclama
(*c*) d'une réclamation fondée sur l'
ture aurait été effectuée en vi
position conventionnelle en
sances belligérantes, soit d'
édictée par le belligérant capt

Le recours contre la décision des tribu
être fondé sur ce que cette décision ne se
en fait, soit en droit.

ARTICLE 4

Le recours peut être exercé:
1°. par une Puissance neutre, si la dé
nationaux a porté atteinte à ses
de ses ressortissants (article 3—1°)
la capture d'un navire ennemi a eu
ritoriales de cette Puissance (articl
2°. par un particulier neutre, si la décisi
tionaux a porté atteinte à ses prop
sous réserve toutefois du droit de
relève, de lui interdire l'accès de la
même en ses lieu et place;
3°. par un particulier relevant de la Pui
décision des tribunaux nationaux
propriétés dans les conditions visé
l'exception du cas prévu par l'alinéa

ARTICLE 3

The judgments of national prize courts may be brought before the International Prize Court:

1. When the judgment of the national prize courts affects the property of a neutral power or individual;
2. When the judgment affects enemy property and relates to:

   (*a*) Cargo on board a neutral ship;
   (*b*) An enemy ship captured in the territorial waters of a neutral power, when that power has not made the capture the subject of a diplomatic claim;

   (*c*) A claim based upon the allegation that the seizure has been effected in violation, either of the provisions of a convention in force between the belligerent powers or of an enactment issued by the belligerent captor.

The appeal against the judgment of the national court can be based on the ground that the judgment was wrong either in fact or in law.

ARTICLE 4

An appeal may be brought

1. By a neutral power, if the judgment of the national tribunals injuriously affects its property or the property of its nationals (article 3, 1), or if the capture of an enemy vessel is alleged to have taken place in the territorial waters of that power (article 3, 2, *b*);
2. By a neutral individual, if the judgment of the national court injuriously affects his property (article 3, 1), subject, however, to the reservation that the power to which he belongs may forbid him to bring the case before the court, or may itself undertake the proceedings in his place;
3. By an individual subject or citizen of an enemy power, if the judgment of the national court injuriously affects his property in the cases referred to in Article 3, 2, except that mentioned in paragraph *b*.

ARTICLE 5

Le recours peut aussi être exercé, dans les mêm
qu'à l'article précédent, par les ayants-droit, ne
nemis, du particulier auquel le recours est acordé
intervenus devant la juridiction nationale. Ces
peuvent exercer individuellement le recours dans
leur intérêt.

Il en est de même ayants-droit, neutres ou en
Puissance neutre dont la propriété est en cause.

ARTICLE 6

Lorsque, conformément à l'article 3 ci-dessus, l
nationale est compétente, le droit de juridiction d
nationaux ne peut être exercé à plus de deux degré
tient à la législation du belligérant capteur de déc
cours est ouvert après la décision rendue en premi
seulement après la décision rendue en appel ou en c

Faute par les tribunaux nationaux d'avoir re
cision définitive dans les deux ans à compter du jo
ture, la Cour peut être saisie directement.

ARTICLE 7

Si la question de droit à résoudre est prévue par
tion en vigueur entre le belligérant capteur et la P
est elle-même partie au litige ou dont le ressortissa
au litige, la Cour se conforme aux stipulations de
vention.

A défaut de telles stipulations, la Cour applique
droit international. Si des règles généralement rec
istent pas, la Cour statue d'après les principes gé
justice et de l'équité.

Les dispositions ci-dessus sont également applicab
concerne l'ordre des preuves ainsi que les moyens
être employés.

Si, conformément à l'article 3—2° *c*, le recours es
la violation d'une disposition légale édictée par le
capteur, la Cour applique cette disposition.

ARTICLE 5

An appeal may also be brought on the same conditions as in the preceding article, by persons belonging either to neutral states or to the enemy, deriving their rights from and entitled to represent an individual qualified to appeal, and who have taken part in the proceedings before the national court. Persons so entitled may appeal separately to the extent of their interest.

The same rule applies in the case of persons belonging either to neutral states or to the enemy who derive their rights from and are entitled to represent a neutral power whose property was the subject of the decision.

ARTICLE 6

When, in accordance with the above Article 3, the International Court has jurisdiction, the national courts can not deal with a case in more than two instances. The municipal law of the belligerent captor shall decide whether the case may be brought before the International Court after judgment has been given in first instance or only after an appeal.

If the national courts fail to give final judgment within two years from the date of capture, the case may be carried direct to the International Court.

ARTICLE 7

If a question of law to be decided is covered by a treaty in force between the belligerent captor and a power which is itself or whose subject or citizen is a party to the proceedings, the court is governed by the provisions of the said treaty.

In the absence of such provisions, the court shall apply the rules of international law. If no generally recognized rule exists the court shall give judgment in accordance with the general principles of justice and equity.

The above provisions apply equally to questions relating to the order and mode of proof.

If, in accordance with Article 3, 2, *c*, the ground of appeal is the violation of an enactment issued by the belligerent captor, the court will enforce the enactment.

la cargaison, il en sera disposé conformément aux lo
rant capteur.

Si la nullité de la capture est prononcée, la Cou
restitution du navire ou de la cargaison et fixe, s'i
montant des dommages-intérêts. Si le navire ou
ont été vendus ou détruits, la Cour détermine l'
accorder de ce chef au propriétaire.

Si la nullité de la capture avait été prononcée ps
tion nationale, la Cour n'est appelée à statuer que
mages et intérêts.

ARTICLE 9

Les Puissances contractantes s'engagent à se so
bonne foi aux décisions de la Cour internationale d
à les exécuter dans le plus bref délai possible.

TITRE II.—*Organisation de la Cour internationale*

ARTICLE 10

La Cour internationale des prises se compose de
juges suppléants, nommés par les Puissances contr
qui tous devront être des jurisconsultes d'une com
connue dans les questions de droit international n
jouissant de la plus haute considération morale.

La nomination de ces juges et juges suppléants sera

The court may disregard failure to comply with the procedure laid down in the enactments of the belligerent captor, when it is of opinion that the consequences of complying therewith are unjust and inequitable.

ARTICLE 8

If the court pronounces the capture of the vessel or cargo to be valid, they shall be disposed of in accordance with the laws of the belligerent captor.

If it pronounces the capture to be null, the court shall order restitution of the vessel or cargo, and shall fix, if there is occasion, the amount of the damages. If the vessel or cargo shall have been sold or destroyed, the court shall determine the compensation to be given to the owner on this account.

If the national court pronounced the capture to be null, the court can only be asked to decide as to the damages.

ARTICLE 9

The contracting powers undertake to submit in good faith to the decisions of the International Prize Court and to carry them out with the least possible delay.

PART II.—*Constitution of the International Prize Court*

ARTICLE 10

The International Prize Court is composed of judges and deputy judges, who will be appointed by the contracting powers, and must all be jurists of known proficiency in questions of international maritime law, and of the highest moral reputation.

The appointment of these judges and deputy judges shall be made within six months after the ratification of the present convention.

ARTICLE 11

The judges and deputy judges are appointed for a period of six years, reckoned from the date on which the notification of their appointment is received by the Administrative Council



Convention pour le règlement pacifique des
aux du 29 juillet 1899. Leur mandat peut

En cas de décès ou de démission d'un jug
pléant, il est pourvu à son remplacement selo
sa nomination. Dans ce cas, la nomination
nouvelle période de six ans.

ARTICLE 12

Les juges de la Cour internationale des
entre eux et prennent rang d'après la date o
leur nomination aura été reçue (article 11
siègent à tour de rôle (article 15 alinéa 2),
leur entrée en fonctions. La préséance appa
au cas où la date est la même.

Les juges suppléants sont, dans l'exercice
assimilés aux juges titulaires. Toutefois i
après ceux-ci.

ARTICLE 13

Les juges jouissent des privilèges et immun
dans l'exercise de leurs fonctions et en dehors

Avant de prendre possession de leur siège,
devant le Conseil administratif, prêter serm
affirmation solennelle d'exercer leurs fonction
et en toute conscience.

ARTICLE 14

La Cour fonctionne au nombre de quinze
constituent le quorum nécessaire.

Le juge absent ou empêché est remplacé par

ARTICLE 15

Les juges nommés par les Puissances cont
noms suivent: l'Allemagne, les États-Unis
triche-Hongrie, la France, la Grande-Bretagn
et la Russie sont toujours appelés à siéger.

Les juges et les juges suppléants nommés p
sances contractantes siègent à tour de rôle
annexé à la présente Convention; leurs fonct

established by the convention for the pacific settlement of international disputes of the 29th July, 1899. Their appointments can be renewed.

Should one of the judges or deputy judges die or resign, the same procedure is followed for filling the vacancy as was followed for appointing him. In this case, the appointment is made for a fresh period of six years.

ARTICLE 12

The judges of the International Prize Court are all equal in rank and have precedence according to the date on which the notification of their appointment was received (article 11, paragraph 1), and if they sit by rota (article 15, paragraph 2), according to the date on which they entered upon their duties. When the date is the same the senior in age takes precedence.

The deputy judges when acting are assimilated to the judges. They rank, however, after them.

ARTICLE 13

The judges enjoy diplomatic privileges and immunities in the performance of their duties and when outside their own country.

Before taking their seat, the judges must swear, or make a solemn promise before the Administrative Council, to discharge their duties impartially and conscientiously.

ARTICLE 14

The court is composed of fifteen judges; nine judges constitute a quorum.

A judge who is absent or prevented from sitting is replaced by the deputy judge.

ARTICLE 15

The judges appointed by the following contracting powers: Germany, the United States of America, Austria-Hungary, France, Great Britain, Italy, Japan, and Russia, are always summoned to sit.

The judges and deputy judges appointed by the other contracting powers sit by rota as shown in the table annexed to the present convention; their duties may be performed successively

nommé par elle prenne par au jugement de toutes
provenant de la guerre. Dans ce cas, le sort déterm
des juges siégeant en vertu du tour de rôle doit s'abste
exclusion ne saurait s'appliquer au juge nommé par l
ligérant.

ARTICLE 17

Ne peut siéger le juge qui, à un titre quelconque,
couru à la décision des tribunaux nationaux ou aura
l'instance comme conseil ou avocat d'une partie.

Aucun juge, titulaire ou suppléant, ne peut interve
agent ou comme avocat devant la Cour internationale
ni y agir pour une partie en quelque qualité que ce soi
toute la durée de ses fonctions.

ARTICLE 18

Le belligérant capteur a le droit de désigner un officie
rine d'un grade élevé qui siègera en qualité d'assess
voix consultative. La même faculté appartient à la
neutre, qui est elle-même partie au litige, ou à la Puiss
le ressortissant est partie au litige; s'il y a, par appli
cette dernière disposition, plusieurs Puissances intéres
doivent se concerter, au besoin par le sort, sur l'offi
signer.

ARTICLE 19

La Cour élit son Président et son Vice-Président à la

by the same person. The same judge may be appointed by several of the said powers.

ARTICLE 16

If a belligerent power, has, according to the rota, no judge sitting in the court, it may ask that the judge appointed by it should take part in the settlement of all cases arising from the war. Lots shall then be drawn as to which of the judges entitled to sit according to the rota shall withdraw. This arrangement does not affect the judge appointed by the other belligerent.

ARTICLE 17

No judge can sit who has been a party, in any way whatever, to the sentence pronounced by the national courts, or has taken part in the case as counsel or advocate for one of the parties.

No judge or deputy judge can, during his tenure of office, appear as agent or advocate before the International Prize Court, nor act for one of the parties in any capacity whatever.

ARTICLE 18

The belligerent captor is entitled to appoint a naval officer of high rank to sit as assessor, but with no voice in the decision. A neutral power, which is a party to the proceedings or whose subject or citizen is a party, has the same right of appointment; if as the result of this last provision more than one power is concerned, they must agree among themselves, if necessary by lot, on the officer to be appointed.

ARTICLE 19

The court elects its President and Vice-President by an absolute majority of the votes cast. After two ballots, the election is made by a bare majority, and, in case the votes are equal, by lot.

ARTICLE 20

The judges on the International Prize Court are entitled to traveling allowances in accordance with the regulations in force

Les juges ne peuvent recevoir de leur propre Go
ou de celui d'une autre Puissance aucune rémunéra
membres de la Cour.

ARTICLE 21

La Cour internationale des prises a son siège à
ne peut, sauf le cas de force majeure, le transpo
qu'avec l'assentiment des parties belligérantes.

ARTICLE 22

Le Conseil administratif, dans lequel ne figurent qu
sentants des Puissances contractantes, remplit, à l'
Cour internationale des prises les fonctions qu'il rempl
de la Cour permanente d'arbitrage.

ARTICLE 23

Le Bureau international sert de greffe à la Cour inte
des prises et doit mettre ses locaux et son organisatio
position de la Cour. Il a la garde des archives et la g
affaires administratives.

Le secrétaire général du Bureau international rempl
tions de greffier.

Les secrétaires adjoint sau greffier, les traducteurs

in their own country, and in addition receive, while the court is sitting or while they are carrying out duties conferred upon them by the court, a sum of 100 Netherland florins per diem.

These payments are included in the general expenses of the court dealt with in Article 47, and are paid through the International Bureau established by the convention of the 29th July, 1899.

The judges may not receive from their own government or from that of any other power any remuneration in their capacity of members of the court.

Article 21

The seat of the International Prize Court is at The Hague and it can not, except in the case of *force majeure*, be transferred elsewhere without the consent of the belligerents.

Article 22

The Administrative Council fulfills, with regard to the International Prize Court, the same functions as to the Permanent Court of Arbitration, but only representatives of contracting powers will be members of it.

Article 23

The International Bureau acts as registry to the International Prize Court and must place its offices and staff at the disposal of the court. It has charge of the archives and carries out the administrative work.

The Secretary-General of the International Bureau acts as Registrar.

The necessary secretaries to assist the Registrar, translators, and shorthand writers are appointed and sworn in by the court.

Article 24

The court determines which language it will itself use and what languages may be used before it.

In every case the official language of the national courts which have had cognizance of the case may be used before the court.



Article 26

Le particulier intéressé sera représenté devant la C
mandataire qui doit être soit un avocat autorisé à pla
une Cour d'appel ou une Cour suprême de l'un des Pa
toute, soit un avoué exerçant sa profession auprès
Cour, soit enfin un professeur de droit à une école d'en
supérieur d'un de ces pays.

Article 27

Pour toutes les notifications à faire, notamment a
aux témoins et aux experts, la Cour peut s'adresser d
au Gouvernement de la Puissance sur le territoire de
notification doit être effectuée. Il en est de même s'
faire procéder à l'établissement de tout moyen de preu

Les requêtes adressées à cet effet seront exécutées s
moyens dont la Puissance requise dispose d'après sa
intérieure. Elles ne peuvent être refusées que si c
sance les juge de nature à porter atteinte à sa souvera
sa sécurité. S'il est donné suite à la requête, les frai
prenant que les dépenses d'exécution réellement effe

La Cour a également la faculté de recourir à l'inte
de la Puissance sur le territoire de laquelle elle a son si

Les notifications à faire aux parties dans le lieu o
Cour peuvent être exécutées par le Bureau internation

ARTICLE 25

Powers which are concerned in a case may appoint special agents to act as intermediaries between themselves and the court. They may also engage counsel or advocates to defend their rights and interests.

ARTICLE 26

A private person concerned in a case will be represented before the court by an attorney, who must be either an advocate qualified to plead before a court of appeal or a high court of one of the contracting states, or a lawyer practicing before a similar court, or lastly, a professor of law at one of the higher teaching centers of those countries.

ARTICLE 27

For all notices to be served, in particular on the parties, witnesses, or experts, the court may apply direct to the government of the state on whose territory the service is to be carried out. The same rule applies in the case of steps being taken to procure evidence.

The requests for this purpose are to be executed so far as the means at the disposal of the power applied to under its municipal law allow. They can not be rejected unless the power in question considers them calculated to impair its sovereign rights or its safety. If the request is complied with the fees charged must only comprise the expenses actually incurred.

The court is equally entitled to act through the power on whose territory it sits.

Notices to be given to parties in the place where the court sits may be served through the International Bureau.

PART III.—*Procedure in the International Prize Court*

ARTICLE 28

An appeal to the International Prize Court is entered by means of a written declaration made in the national court which has

ARTICLE 29

Si la déclaration de recours est faite devant le t
tional, celui-ci, sans examiner si le délai a été observ
les sept jours qui suivent, expédier le dossier de
Bureau international.

Si la déclaration de recours est adressée au Bu
national, celui-ci en prévient directement le tribun
par télégramme s'il est possible. Le tribunal tra
dossier comme il est dit à l'alinéa précédent.

Lorsque le recours est formé par un particulier
Bureau international en avise immédiatement par t
la Puissance dont relève le particulier, pour permet
Puissance de faire valoir le droit que lui reconnaît l'ar

ARTICLE 30

Dans le cas prévu à l'article 6 alinéa 2, le recours n
adressé qu'au Bureau international. Il doit être
dans les trente jours qui suivent l'expiration du dél
ans.

ARTICLE 31

Faute d'avoir formé son recours dans le délai fixé
28 ou à l'article 30, la partie sera, sans débats, déc
recevable.

Toutefois, si elle justifie d'un empêchement de forc
et si elle a formé son recours dans les soixante jou

already dealt with the case or addressed to the International Bureau; in the latter case the appeal can be entered by telegram.

The period within which the appeal must be entered is fixed at 120 days, counting from the day the decision is delivered or notified (article 2, paragraph 2).

ARTICLE 29

If the notice of appeal is entered in the national court, this court, without considering the question whether the appeal was entered in due time, will transmit within seven days the record of the case to the International Bureau.

If the notice of appeal is sent to the International Bureau, the Bureau will immediately inform the national court, when possible by telegraph. The latter will transmit the record as provided in the preceding paragraph.

When the appeal is brought by a neutral individual the International Bureau at once informs by telegraph the individual's government, in order to enable it to enforce the rights it enjoys under Article 4, paragraph 2.

ARTICLE 30

In the case provided for in Article 6, paragraph 2, the notice of appeal can be addressed to the International Bureau only. It must be entered within thirty days of the expiration of the period of two years.

ARTICLE 31

If the appellant does not enter his appeal within the period laid down in Articles 28 or 30, it shall be rejected without discussion.

Provided that he can show that he was prevented from so doing by *force majeure*, and that the appeal was entered within sixty days after the circumstances which prevented him entering it before had ceased to operate, the court can, after hearing the respondent, grant relief from the effect of the above provision.

ARTICLE 32

If the appeal is entered in time, a certified copy of the notice of appeal is forthwith officially transmitted by the court to the respondent.



ARTICLE 33

Si, en dehors des parties qui se sont p
il y a d'autres intéressés ayant le droit d'
dans le cas prévu à l'article 29 alinéa 3
avisée, n'a pas fait connaître sa résoluti
se saisir de l'affaire, que les délais pré
l'article 30 soient expirés.

ARTICLE 34

La procédure devant la Cour interna
phases distinctes: l'instruction écrite et l
L'instruction écrite consiste dans le d
posés, de contre-exposés et, au besoin, d
et les délais sont fixés par la Cour.
toutes pièces et documents dont elles con

Toute pièce, produite par une partie, d
en copie certifiée conforme à l'autre pa
de la Cour.

ARTICLE 35

L'instruction écrite étant terminée, il y
publique, dont le jour est fixé par la Cour.
Dans cette audience, les parties expos
en fait et en droit.
La Cour peut, en tout état de cause, sus
soit à la demande d'une des parties, soit
à une information complémentaire.

ARTICLE 36

La Cour internationale peut ordonner q
plémentaire aura lieu, soit conformémen
l'article 27, soit directement devant elle
sieurs de ses membres en tant que cela pe
coercitif ou comminatoire.
Si des mesures d'information doivent
membres de la Cour en dehors du territoi
l'assentiment du Gouvernement étranger

ARTICLE 33

If, in addition to the parties who are before the court, there are other parties concerned who are entitled to appeal, or if, in the case referred to in Article 29, paragraph 3, the government who has received notice of an appeal has not announced its decision, the court will await before dealing with the case the expiration of the period laid down in Articles 28 or 30.

ARTICLE 34

The procedure before the International Court includes two distinct parts: the written pleadings and oral discussions.

The written pleadings consist of the deposit and exchange of cases, counter-cases, and, if necessary, of replies, of which the order is fixed by the court, as also the periods within which they must be delivered. The parties annex thereto all papers and documents of which they intend to make use.

A certified copy of every document produced by one party must be communicated to the other party through the medium of the court.

ARTICLE 35

After the close of the pleadings, a public sitting is held on a day fixed by the court.

At this sitting the parties state their view of the case both as to the law and as to the facts.

The court may, at any stage of the proceedings, suspend speeches of counsel, either at the request of one of the parties, or on their own initiative, in order that supplementary evidence may be obtained.

ARTICLE 36

The International Court may order the supplementary evidence to be taken either in the manner provided by Article 27, or before itself, or one or more of the members of the court, provided that this can be done without resort to compulsion or the use of threats.

If steps are to be taken for the purpose of obtaining evidence by members of the court outside the territory where it is sitting, the consent of the foreign government must be obtained.

le plus ancien juges présents.

Le juge nommé par une partie belligéran
comme Président.

ARTICLE 39

Les débats sont public sauf le droit pour
litige de demander qu'il y soit procédé à huis c

Ils sont consignés dans des procès-verbaux
Président et le greffier et qui seuls ont caractèr

ARTICLE 40

En cas de non comparution d'une des parti
gulièrement citée, ou faute par elle d'agir dan
par la Cour, il est procédé sans elle et la Cour d
éléments d'appréciation qu'elle à sa disposition.

ARTICLE 41

La Cour notifie d'office aux parties toutes déc
nances prises en leur absence.

ARTICLE 42

La Cour apprécie librement l'ensemble des a
déclarations orales.

ARTICLE 43

Les délibérations

ARTICLE 37

The parties are summoned to take part in all stages of the proceedings and receive certified copies of the minutes.

ARTICLE 38

The discussions are under the control of the President or Vice-President, or, in case they are absent or can not act, of the senior judge present.

The judge appointed by a belligerent party can not preside.

ARTICLE 39

The discussions take place in public, subject to the right of a government who is a party to the case to demand that they be held in private.

Minutes are taken of these discussions and signed by the President and Registrar, and these minutes alone have an authentic character.

ARTICLE 40

If a party does not appear, despite the fact that he has been duly cited or if a party fails to comply with some step within the period fixed by the court, the case proceeds without that party, and the court gives judgment in accordance with the material at its disposal.

ARTICLE 41

The court officially notifies to the parties decrees or decisions made in their absence.

ARTICLE 42

The court takes into consideration in arriving at its decision all the facts, evidence, and oral statements.

ARTICLE 43

The court considers its decision in private and the proceedings are secret.

All questions are decided by a majority of the judges present. If the number of judges is even and equally divided, the vote of the junior judge in the order of precedence laid down in Article 12, paragraph 1, is not counted.



ARTICLE 44

L'arrêt de la Cour doit être motivé.
des juges qui y ont participé, ainsi que l
s'il y a lieu; il est signé par le Président et

ARTICLE 45

L'arrêt est prononcé en séance publiqu
ou dûment appelées; il est notifié d'office

Cette notification une fois faite, la Cou
bunal national des prises le dossier de l'aff
expédition des diverses décisions interven
des procès-verbaux de l'instruction.

ARTICLE 46

Chaque partie supporte les frais occasi
défense.

La partie qui succombe supporte, en o
par la procédure. Elle doit, de plus, vers
valeur de l'objet litigieux à titre de contrib
raux de la Cour internationale. Le monta
est déterminé par l'arrêt de la Cour.

Si le recours est exercé par un particuli
Bureau international un cautionnement
fixé par la Cour et qui est destiné à garant
uelle des deux obligations mentionnées da
La Cour peut subordonner l'ouverture de l
ment du cautionnement.

ARTICLE 47

Les frais généraux de la Cour internati
supportés par les Puissances contractante
de leur participation au fonctionnement de
est prévue par l'article 15 et par le tablea
ignation des juges suppléants ne donne pa

Le Conseil administratif s'adresse aux
tenir les fonds nécessaire au fonctionnem

ARTICLE 44

The judgment of the court must give the reasons on which it is based. It contains the names of the judges taking part in it, and also of the assessors, if any; it is signed by the President and Registrar.

ARTICLE 45

The sentence is pronounced in public sitting, the parties concerned being present or duly summoned to attend; the sentence is officially communicated to the parties.

When this communication has been made, the court transmits to the national prize court the record of the case, together with copies of the various decisions arrived at and of the minutes of the proceedings.

ARTICLE 46

Each party pays its own costs.

The party against whom the court decides bears, in addition, the costs of the trial, and also pays 1 per cent of the value of the subject-matter of the case as a contribution to the general expenses of the International Court. The amount of these payments is fixed in the judgment of the court.

If the appeal is brought by an individual, he will furnish the International Bureau with security to an amount fixed by the court, for the purpose of guaranteeing eventual fulfillment of the two obligations mentioned in the preceding paragraph. The court is entitled to postpone the opening of the proceedings until the security has been furnished.

ARTICLE 47

The general expenses of the International Prize Court are borne by the contracting powers in proportion to their share in the composition of the court as laid down in Article 15 and in the annexed table. The appointment of deputy judges does not involve any contribution.

The Administrative Council applies to the powers for the funds requisite for the working of the court.

La Cour fait elle-même son règlement d'ordre int
doit être communiqué aux Puissances contractantes.

Dans l'année de la ratification de la présente Conv
se réunira pour élaborer ce règlement.

Article 50

La Cour peut proposer des modifications à apporte
positions de la présente Convention qui concernent la
Ces propositions sont communiquées, par l'interm
Gouvernement des Pays-Bas, aux Puissances con
qui se concerteront sur la suite à y donner.

Titre IV.—*Dispositions finales*

Article 51

La présente Convention ne s'applique de plein dro
les Puissances belligérants sont toutes parties à la Conv

Il est entendu, en outre, que le recours devant la Cou
tionale des prises ne peut être exercé que par une Puiss
tractante ou le ressortissant d'une Puissance contracta

Dans les cas l'article 5, le recours n'est admis que
priétaire et l'ayant-droit sont également des Puissances
tantes ou des ressortissants de Puissances contractante

ARTICLE 48

When the court is not sitting, the duties conferred upon it by Article 32, Article 34, paragraphs 2 and 3, Article 35, paragraph 1, and Article 46, paragraph 3, are discharged by a delegation of three judges appointed by the court. This delegation decides by a majority of votes.

ARTICLE 49

The court itself draws up its own rules of procedure, which must be communicated to the contracting powers.

It will meet to elaborate these rules within a year of the ratification of the present convention.

ARTICLE 50

The court may propose modifications in the provisions of the present convention concerning procedure. These proposals are communicated, through the medium of the Netherland Government, to the contracting powers, which will consider together as to the measures to be taken.

PART IV.—*Final Provisions*

ARTICLE 51

The present convention does not apply as of right except when the belligerent powers are all parties to the convention.

It is further fully understood that an appeal to the International Prize Court can only be brought by a contracting power or the subject or citizen of a contracting power.

In the cases mentioned in Article 5, the appeal is only admitted when both the owner and the person entitled to represent him are equally contracting powers or the subjects or citizens of contracting powers.

ARTICLE 52

The present convention shall be ratified and the ratifications shall be deposited at The Hague as soon as all the powers mentioned in Article 15 and in the table annexed are in a position to do so.

Le dépôt des ratifications aura
si les Puissances prêtes à ratifier
juges et neuf juges suppléants,
Dans le cas contraire, le dépôt ser
où cette condition sera remplie.

Il sera dressé du dépôt des ratific
une copie, certifiée conforme, sera re
à chacune des Puissances désignées à

ARTICLE 53

Les Puissances désignées à l'artic
sont admises à signer la présente Conv
ratifications prévu par l'alinéa 2 de l'a

Après ce dépôt, elles seront toujour
purement et simplement. La Puissan
notifie par écrit son intention au Gouve
en lui transmettant, en même temps, l'a
déposé dans les archives dudit Gouvernem
par la voie diplomatique, une copie cer
notification et de l'acte d'adhésion à tout
signées à l'alinéa précédent, en leur faisan
a reçu la notification.

ARTICLE 54

La présente Convention entrera en vigue
du dépôt des ratifications prévu par l'article 5

Les adhésions produiront effet soixante jo
notification en aura été reçue par le Gouvernen
et, au plus tôt, à l'expiration du délai prévu p
dent.

Toutefois, la Cour internationale aura qua
les affaires de prises décidées par la juridiction n
du dépôt des ratifications ou de la réception de
des adhésions. Pour ces décisions, le délai fixé
alinéa 2, ne sera compté que de la date de la n
de la Convention pour les Puissances ayant ratifié

The deposit of the ratifications shall take place, in any case, on the 30th June, 1909, if the powers which are ready to ratify furnish nine judges and nine deputy judges to the court, qualified to validly constitute a court. If not, the deposit shall be postponed until this condition is fulfilled.

A minute of the deposit of ratifications shall be drawn up, of which a certified copy shall be forwarded, through the diplomatic channel, to each of the powers referred to in the first paragraph.

ARTICLE 53

The powers referred to in Article 15 and in the table annexed are entitled to sign the present convention up to the deposit of the ratifications contemplated in paragraph 2 of the preceding article.

After this deposit, they can at any time adhere to it, purely and simply. A power wishing to adhere notifies its intention in writing to the Netherland Government transmitting to it, at the same time, the act of adhesion, which shall be deposited in the archives of the said Government. The latter shall send, through the diplomatic channel, a certified copy of the notification and of the act of adhesion to all the powers referred to in the preceding paragraph, informing them of the date on which it has received the notification.

ARTICLE 54

The present convention shall come into force six months from the deposit of the ratifications contemplated in Article 52, paragraphs 1 and 2.

The adhesions shall take effect sixty days after notification of such adhesion has been received by the Netherland Government, or as soon as possible on the expiration of the period contemplated in the preceding paragraph.

The International Court shall, however have jurisdiction to deal with prize cases decided by the national courts at any time after the deposit of the ratifications or of the receipt of the notification of the adhesions. In such cases, the period fixed in Article 28, paragraph 2, shall only be reckoned from the date when the convention comes into force as regards a power which has ratified or adhered.

ARTICLE 55

La présente Convention aura une durée de douze a
tir de sa mise en vigueur, telle qu'elle est déterminée pa
54 alinéa 1, même pour les Puissances ayant adhéré pos
ment.

Elle sera renouvelée tacitement de six ans en six a
dénonciation.

La dénonciation devra être, au moins un an avant l'é
tion de chacune des périodes prévues par les deux alinéa
cédents, notifiée par écrit au Gouvernement des Pays-B
en donnera connaissance à toutes les autres Parties co
tantes.

La dénonciation ne produira ses effets qu'à l'égard de la P
sance qui l'aura notifiée. La Convention subsistera pour
autres Puissances contractantes, pourvu que leur participatio
la désignation des juges soit suffisante pour permettre le fo
tionnement de la Cour avec neuf juges et neuf juges su
pléants.

ARTICLE 56

Dans le cas où la présente Convention n'est pas en vigueur
pour toutes les Puissances désignées dans l'article 15 et le tab-
leau qui s'y rattache, le Conseil administratif dresse, conformé-
ment aux dispositions de cet article et de ce tableau, la liste des
juges ed des juges suppléants pour lesquels les Puissances
contractantes participent au fonctionnement de la Cour. Les
juges appelés a siéger à tour de rôle seront, pour le temps qui
leur est attribué par le tableau susmentionné, répartis entre
les différentes années de la période de six ans, de manière que,
dans la mesure du possible, la Cour fonctionne chaque année
en nombre égal. Si le nombre des juges suppléants dépasse
celui des juges, le nombre de ces derniers pourra être complété
par des juges suppléants désignés par le sort parmi celles des
Puissances qui ne nomment pas de juge titulaire.

La liste ainsi dressée par le Conseil administratif sera notifiée
aux Puissances Contractantes. Elle sera révisée quand le nom-
bre de celles-ci sera modifié par suite d'adhésions ou de dénon-
ciations

Le changement à opérer par suite d'une adhésion ne se pro-
duira qu'à partir du 1er janvier qui suit la date à laquelle l'ad-

ARTICLE 55

The present convention shall remain in force for twelve years from the time it comes into force, as determined by Article 54, paragraph 1, even in the case of powers which adhere subsequently.

It shall be renewed tacitly from six years to six years unless denounced.

Denunication must be notified in writing, at least one year before the expiration of each of the periods mentioned in the two preceding paragraphs, to the Netherland Government, which will inform all the other contracting powers.

Denunciation shall only take effect in regard to the power which has notified it. The convention shall remain in force in the case of the other contracting powers, provided that their participation in the appointment of judges is sufficient to allow of the composition of the court with nine judges and nine deputy judges.

ARTICLE 56

In case the present convention is not in operation as regards all the powers referred to in Article 15 and the annexed table, the Administrative Council shall draw up a list on the lines of that article and table of the judges and deputy judges through whom the contracting powers will share in the composition of the court. The times allotted by the said table to judges who are summoned to sit in rota will be redistributed between the different years of the six-year period in such a way that, as far as possible, the number of the judges of the court in each year shall be the same. If the number of deputy judges is greater than that of the judges, the number of the latter can be completed by deputy judges chosen by lot among those powers which do not nominate a judge.

The list drawn up in this way by the Administrative Council shall be notified to the contracting powers. It shall be revised when the number of these powers is modified as the result of adhesions or denunciations.

The change resulting from an adhesion is not made until the 1st January after the date on which the adhesion takes effect,

hésion a son effet, à moins que la Puissance adhérente ne s
une Puissance belligérante, cas auquel elle peut demander d'êt
aussitôt représentée dans la Cour, la disposition de l'article
étant du reste applicable, s'il y a lieu.

Quand le nombre total des juges est inférieur à onze, sept juge
constituent le quorum nécessaire.

ARTICLE 57

Deux ans avant l'expiration de chaque période visée par le
alinéas 1 et 2 de l'article 55, chaque Puissance contractant
pourra demander une modification des dispositions de l'artic
15 et du tableau y annexé, relativement à sa participation a
fonctionnement de la Cour. La demande sera adressée au Co
seil administratif qui l'examinera et soumettra à toutes les Pui
sances des propositions sur la suite à y donner. Les Puissanc
feront, dans le plus bref délai possible, connaître leur résolutio
au Conseil administratif. Le résultat sera immédiatemen
et au moins an an et trente jours avant l'expiration dudit dél
de deux ans, communiqué à la Puissance qui a fait la demande.

Les cas échéant, les modifications adoptées par les Puissanc
entreront en vigueur dès le commencement de la nouvell
période.

En foi de quoi les Plénipotentiaires ont revêtu la présent
convention de leurs signatures.

Fait à La Haye, le dix-huit octobre mil neuf cent sept, en u
seul exemplaire qui restera déposé dans les archives du Go
vernement des Pays-Bas et dont des copies, certifiées conform
seront remises par la voie diplomatique aux Puissances d
signées à l'article 15 et dans son annexe.

unless the adhering power is a belligerent power, in which case it can ask to be at once represented in the court, the provision of Article 16 being, moreover, applicable if necessary.

When the total number of judges is less than eleven, seven judges form a quorum.

ARTICLE 57

Two years before the expiration of each period referred to in paragraphs 1 and 2 of Article 55 any contracting power can demand a modification of the provisions of Article 15 and of the annexed table, relative to its participation in the composition of the court. The demand shall be addressed to the Administrative Council, which will examine it and submit to all the powers proposals as to the measures to be adopted. The powers shall inform the Administrative Council of their decision with the least possible delay. The result shall be at once, and at least one year and thirty days before the expiration of the said period of two years, communicated to the power which made the demand.

When necessary, the modifications adopted by the powers shall come into force from the commencement of the new period.

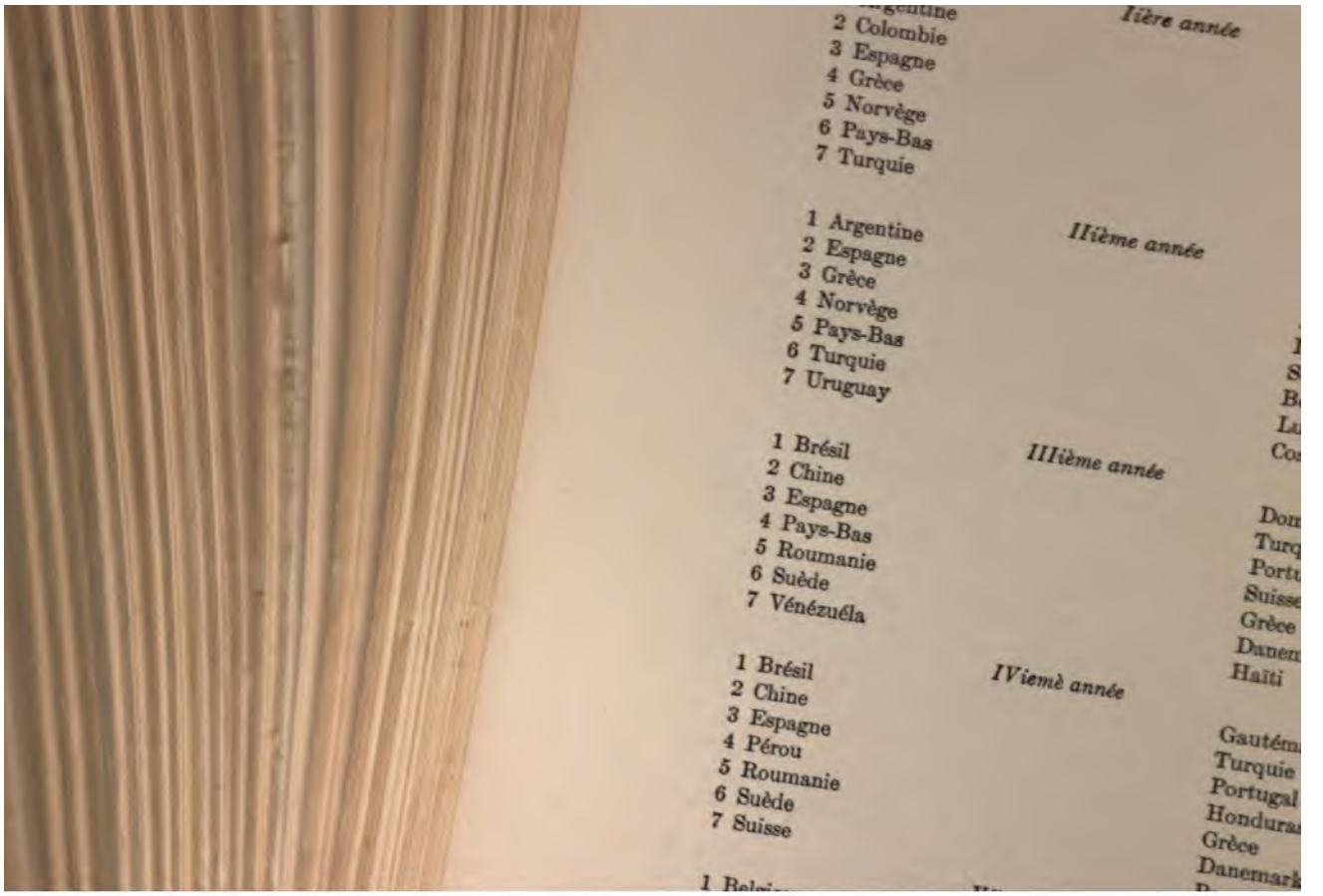
In faith whereof the plenipotentiaries have appended their signatures to the present convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the powers designated in Article 15 and in the table annexed.[1]

[1] Article 7 authorizes the Prize Court, in the absence of special agreement between the litigating states, to apply the rules of international law, and if no generally recognized rules exist, to give judgment in accordance with the general principles of justice and equity.

In order to reach an agreement upon international maritime law, Great Britain has invited a conference of leading maritime powers to meet at London in the fall of 1908, so that the law to be administered by the court, if established, will exist in conventional or codified form.

As the fate of the court may depend upon the success or failure of the proposed conference to harmonize or codify the law to be administered, the United States has adjourned consideration of the prize-court convention.—EDITOR.



2 Colombie
3 Espagne
4 Grèce
5 Norvège
6 Pays-Bas
7 Turquie

Iière année

1 Argentine
2 Espagne
3 Grèce
4 Norvège
5 Pays-Bas
6 Turquie
7 Uruguay

IIième année

1 Brésil
2 Chine
3 Espagne
4 Pays-Bas
5 Roumanie
6 Suède
7 Vénézuéla

IIIième année

1 Brésil
2 Chine
3 Espagne
4 Pérou
5 Roumanie
6 Suède
7 Suisse

IViemè année

ANNEX TO ARTICLE 15

DISTRIBUTION OF JUDGES AND DEPUTY JUDGES BY COUNTRIES FOR EACH YEAR OF THE PERIOD OF SIX YEARS

	Judges	Deputy judges
	First year	
1	Argentina	Paraguay
2	Colombia	Bolivia
3	Spain	Spain
4	Greece	Roumania
5	Norway	Sweden
6	Netherlands	Belgium
7	Turkey	Persia
	Second year	
1	Argentina	Panama
2	Spain	Spain
3	Greece	Roumania
4	Norway	Sweden
5	Netherlands	Belgium
6	Turkey	Luxemburg
7	Uruguay	Costa Rica
	Third year	
1	Brazil	Santo Domingo
2	China	Turkey
3	Spain	Portugal
4	Netherlands	Switzerland
5	Roumania	Greece
6	Sweden	Denmark
7	Venezuela	Haiti
	Fourth year	
1	Brazil	Guatemala
2	China	Turkey
3	Spain	Portugal
4	Peru	Honduras
5	Roumania	Greece
6	Sweden	Denmark
7	Switzerland	Netherlands
	Fifth year	
1	Belgium	Netherlands
2	Bulgaria	Montenegro
3	Chile	Nicaragua
4	Denmark	Norway
5	Mexico	Cuba
6	Persia	China
7	Portugal	Spain

Juges	*VIième année*	Juges suppléants
1 Belgique		Pays-Bas
2 Chili		Salvador
3 Danemark		Norvège
4 Mexique		Equateur
5 Portugal		Espagne
6 Serbie		Bulgarie
7 Siam		Chine

CONVENTION CONCERNANT LES DROITS ET LES DEVOIRS DES PUISSANCES NEUTRES EN CAS DE GUERRE MARITIME

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse, etc:

En vue de diminuer les divergences d'opinion qui, en cas de guerre maritime, existent encore au sujet des rapports entre les Puissances neutres et les Puissances belligérantes, et de prévenir les difficultés auxquelles ces divergences pourraient donner lieu;

Considérant que, si l'on ne peut concerter dès maintenant des stipulations s'étendant à toutes les circonstances qui peuvent se présenter dans la pratique, il y a néanmoins une utilité incontestable à établir, dans la mesure du possible, des règles communes pour le cas où malheureusement la guerre viendrait à éclater;

Considérant que, pour les cas non prévus par la présente Convention, il y a lieu de tenir compte des principes généraux du droit des gens;

Considérant qu'il est désirable que les Puissances édictent des prescriptions précises pour régler les conséquences de l'état de neutralité qu'elles auraient adopté;

Considérant que c'est, pour les Puissances neutres, un devoir reconnu d'appliquer impartialement aux divers belligérants les règles adoptées par elles;

Considérant que, dans cet ordre d'idées, ces règles ne devraient pas, en principe, être changées au cours de la guerre, par une Puissance neutre, sauf dans le cas où l'expérience acquise en démontrerait la nécessité pour la sauvegarde de ses droits;

Sont convenus d'observer les règles communes suivantes qui ne sauraient, d'ailleurs, porter aucune atteinte aux stipulations des traités généraux existants, et ont nommé pour Leurs Plénipotentiaires, savoir:

[Dénomination des Plénipotentiaires]

Judges		Deputy judges
	Sixth year	
1 Belgium		Netherlands
2 Chile		Salvador
3 Denmark		Norway
4 Mexico		Ecuador
5 Portugal		Spain
6 Servia		Bulgaria
7 Siam		China

CONVENTION CONCERNING THE RIGHTS AND DUTIES OF NEUTRAL POWERS IN NAVAL WAR

His Majesty the German Emperor, King of Prussia, etc:

With a view to harmonizing the divergent views which, in the event of naval war, are still held on the relations between neutral powers and belligerent powers, and to anticipating the difficulties to which such divergence of views might give rise;

Seeing that, even if it is not possible at present to concert measures applicable to all circumstances which may in practice occur, it is nevertheless undeniably advantageous to frame, as far as possible, rules of general application to meet the case where war has unfortunately broken out;

Seeing that, in cases not covered by the present convention, it is expedient to take into consideration the general principles of the law of nations;

Seeing that it is desirable that the powers should issue detailed enactments to regulate the results of the attitude of neutrality when adopted by them;

Seeing that it is, for neutral powers, an admitted duty to apply these rules impartially to the several belligerents;

Seeing that, in this category of ideas, these rules should not, in principle, be altered, in the course of the war, by a neutral power, except in a case where experience has shown the necessity for such change for the protection of the rights of that power;

Have agreed to observe the following common rules, which can not however modify provisions laid down in existing general treaties, and have appointed as their plenipotentiaries, namely:

[Names of plenipotentiaries]

des Puissances neutres et de s'abstenir, dans le
eaux neutres, de tous actes qui constitueraient
Puissances qui les tolèreraient un manquement à

ARTICLE 2

Touts actes d'hostilité, y compris la capture
droit de visite, commis par des vaisseaux de gue
dans les eaux territoriales d'une Puissance neut
une violation de la neutralité et sont strictement

ARTICLE 3

Quand un navire a été capturé dans les eaux ter
Puissance neutre, cette Puissance doit, si la p
dans sa juridiction, user des moyens dont elle dis
la prise soit relâchée avec ses officiers et son équi
que l'équipage mis à bord par le capteur soit interr

Si la prise est hors de la juridiction de la Puissa
Gouvernement capteur, sur la demande de cell
lâcher la prise avec ses officiers et son équipage.

ARTICLE 4

Aucun tribunal des prises ne peut être constitu
ligérant sur un territoire neutre ou sur un navire d
neutres.

ARTICLE 5

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions:

ARTICLE 1

Belligerents are bound to respect the sovereign rights of neutral powers and to abstain, in neutral territory or neutral waters, from any act which would, if knowingly permitted by any power, constitute a violation of neutrality.

ARTICLE 2

Any act of hostility, including capture and the exercise of the right of search, committed by belligerent war-ships in the territorial waters of a neutral power, constitutes a violation of neutrality and is strictly forbidden.

ARTICLE 3

When a ship has been captured in the territorial waters of a neutral power, this power must employ, if the prize is still within its jurisdiction, the means at its disposal to release the prize with its officers and crew, and to intern the prize crew.

If the prize is not in the jurisdiction of the neutral power, the captor government, on the demand of that power, must liberate the prize with its officers and crew.

ARTICLE 4

A prize court can not be set up by a belligerent on neutral territory or on a vessel in neutral waters.

ARTICLE 5

Belligerents are forbidden to use neutral ports and waters as a base of naval operations against their adversaries, and in particular to erect wireless telegraphy stations or any apparatus for the purpose of communicating with the belligerent forces on land or sea.

Article 6

La remise, à quelque titre que ce soit, faite directement ou indirectement par une Puissance neutre à une Puissance belligérante, de vaisseaux de guerre, de munitions, ou d'un matériel de guerre quelconque, est interdite.

Article 7

Une Puissance neutre n'est pas tenue d'empêcher l'exportation ou le transit, pour le compte de l'un ou de l'autre des belligérants, d'armes, de munitions, et, en général, de tout ce qui peut être utile à une armée ou à une flotte.

Article 8

Un Gouvernement neutre est tenu d'user des moyens dont il dispose pour empêcher dans sa juridiction l'équipement ou l'armement de tout navire, qu'il a des motifs raisonnables de croire destiné à croiser ou à concourir à des opérations hostiles contre une Puissance avec laquelle il est en paix. Il est aussi tenu d'user de la même surveillance pour empêcher le départ hors de sa juridiction de tout navire destiné à croiser ou à concourir à des opérations hostiles, et qui aurait été, dans ladite juridiction, adapté en tout ou en partie à des usages de guerre.

Article 9

Une Puissance neutre doit appliquer également aux deux belligérants les conditions, restrictions ou interdictions, édictées par elle pour ce qui concerne l'admission dans ses ports, rades ou eaux territoriales, des navires de guerre belligérants ou de leurs prises.

Toutefois, une Puissance neutre peut interdire l'accès de ses ports et de ses rades au navire belligérant qui aurait négligé de se conformer aux ordres et prescriptions édictés par elle ou qui aurait violé la neutralité.

Article 10

La neutralité d'une Puissance n'est pas compromise par le simple passage dans ses eaux territoriales des navires de guerre et des prises des belligérants.

ARTICLE 6

The supply, in any manner, directly or indirectly, by a neutral power to a belligerent power, of war-ships, ammunition, or war material of any kind whatever, is forbidden.

ARTICLE 7

A neutral power is not bound to prevent the export or transit, for the use of either belligerent, of arms, ammunitions, or, in general, of anything which could be of use to an army or fleet.

ARTICLE 8

A neutral government is bound to employ the means at its disposal to prevent the fitting out or arming of any vessel within its jurisdiction which it has reason to believe is intended to cruise, or engage in hostile operations, against a power with which that government is at peace. It is also bound to display the same vigilance to prevent the departure from its jurisdiction of any vessel intended to cruise, or engage in hostile operations, which had been adapted entirely or partly within the said jurisdiction for use in war.

ARTICLE 9

A neutral power must apply impartially to the two belligerents the conditions, restrictions, or prohibitions made by it in regard to the admission into its ports, roadsteads, or territorial waters, of belligerent war-ships or of their prizes.

Nevertheless, a neutral power may forbid a belligerent vessel which has failed to conform to the orders and regulations made by it, or which has violated neutrality, to enter its ports or roadsteads.

ARTICLE 10

The neutrality of a power is not affected by the mere passage through its territorial waters of war-ships or prizes belonging to belligerents.

ARTICLE 11

Une Puissance neutre peut laisser les navires d
belligérants se servir de ses pilotes brevetés.

ARTICLE 12

A défaut d'autres dispositions spéciales de la législ
Puissance neutre, il est interdit aux navires de guerre d
rants de demeurer dans les ports et rades ou dans les e
toriales de ladite Puissance, pendant plus de 24 heurs, s
les cas prévus par la présente Convention.

ARTICLE 13

Si une Puissance avisée de l'ouverture des hostilités ap
qu'un navire de guerre d'un belligérant se trouve dans un
ports et rades ou dans ses eaux territoriales, elle doit no
audit navire qu'il devra partir dans les 24 heures ou da
délai prescrit par la loi locale.

ARTICLE 14

Un navire de guerre belligérant ne peut prolonger son séjo
dans un port neutre au delà de la durée légale que pour caus
d'avaries ou à raison de l'état de la mer. Il devra partir dè
que la cause du retard aura cessé.

Les règles sur la limitation du séjour dans les ports, rades et
eaux neutres, ne s'appliquent pas aux navires de guerre exclu-
sivement affectés à une mission religieuse, scientifique ou phil-
anthropique.

ARTICLE 15

A défaut d'autres dispositions spéciales de la législation de la
Puissance neutre, le nombre maximum des navires de guerre
d'un belligérant qui pourront se trouver en même temps dans
un de ses ports ou rades, sera de trois.

ARTICLE 16

Lorsque des navires de guerre des deux parties belligérantes
se trouvent simultanément dans un port ou une rade neutres,

ARTICLE 11

A neutral power may allow belligerent war-ships to employ its licensed pilots.

ARTICLE 12

In the absence of special provisions to the contrary in the legislation of a neutral power, belligerent war-ships are not permitted to remain in the ports, roadsteads, or territorial waters of the said power for more than twenty-four hours, except in the cases covered by the present convention.

ARTICLE 13

If a power which has been informed of the outbreak of hostilities learns that a belligerent war-ship is in one of its ports or roadsteads, or in its territorial waters, it must notify the said ship to depart within twenty-four hours or within the time prescribed by local regulations.

ARTICLE 14

A belligerent war-ship may not prolong its stay in a neutral port beyond the permissible time except on account of damage or stress of weather. It must depart as soon as the cause of the delay is at an end.

The regulations as to the question of the length of time which these vessels may remain in neutral ports, roadsteads, or waters do not apply to war-ships devoted exclusively to religious, scientific or philanthropic purposes.

ARTICLE 15

In the absence of special provisions to the contrary in the legislation of a neutral power, the maximum number of war-ships belonging to a belligerent which may be in one of the ports or roadsteads of that power simultaneously shall be three.

ARTICLE 16

When war-ships belonging to both belligerents are present simultaneously in a neutral port or roadstead, a period of not



Un navire de guerre belligérant ne peut q
une rade neutres moins de 24 heures après le d
de commerce portant le pavillon de son advers

ARTICLE 17

Dans les ports et rades neutres, les navires d
rants ne peuvent réparer leurs avaries que dans
pensable à la sécurité de leur navigation et no
d'une manière quelconque, leur force milita
neutre constatera la nature des réparations à ef
ront être exécutées le plus rapidement possible.

ARTICLE 18

Les navires de guerre belligérants ne peuven
des ports, rades et eaux territoriales neutres, p
ou augmenter leurs approvisionnements militaire
ment ainsi que pour compléter leurs équipages.

ARTICLE 19

Les navires de guerre belligérants ne peuvent
dans les ports et rades neutres que pour complét
visionnement normal du temps de paix.

Ces navires ne peuvent, de même, prendre du
que pour gagner le port le plus proche de leur prop
peuvent, d'ailleurs, prendre le combustible nécessa
pléter le plein de leurs soutes proprement dites,

less than twenty-four hours must elapse between the departure of the ship belonging to one belligerent and the departure of the ship belonging to the other.

The order of departure is determined by the order of arrival, unless the ship which arrived first is so circumstanced that an extension of its stay is permissible.

A belligerent war-ship may not leave a neutral port or roadstead until twenty-four hours after the departure of a merchant ship flying the flag of its adversary.

ARTICLE 17

In neutral ports and roadsteads belligerent war-ships may only carry out such repairs as are absolutely necessary to render them seaworthy, and may not add in any manner whatsoever to their fighting force. The authorities of the neutral power shall decide what repairs are necessary, and these must be carried out with the least possible delay.

ARTICLE 18

Belligerent war-ships may not make use of neutral ports, roadsteads, or territorial waters, for replenishing or increasing their supplies of war material or their armament, or for completing their crews.

ARTICLE 19

Belligerent war-ships may only revictual in neutral ports or roadsteads to bring up their supplies to the peace standard.

Similarly, these vessels may only ship sufficient fuel to enable them to reach the nearest port in their own country. They may, on the other hand, fill up their bunkers built to carry fuel, when in neutral countries which have adopted this method of determining the amount of fuel to be supplied.

If, in accordance with the law of the neutral power, the ships are not supplied with coal within twenty-four hours of their arrival, the permissible duration of their stay is extended by twenty-four hours.

Une prise ne peut être amenée dans un p
cause d'innavigabilité, de mauvais état de
de combustible ou de provisions.

Elle doit repartir aussitôt que la cause qui e
a cessé. Si elle ne le fait pas, la Puissance neu
l'ordre de partir immédiatement; au cas où e
merait pas, la Puissance neutre doit user des
dispose pour la relâcher avec ses officiers et
interner l'équipage mis à bord par le capteur.

ARTICLE 22

La Puissance neutre doit, de même, relâcher la
été amenée en dehors des conditions prévues par

ARTICLE 23

Une Puissance neutre peut permettre l'accès d
rades aux prises escortées ou non, lorsqu'elles y
pour être laissées sous sequestre en attendant la
tribunal des prises. Elle peut faire conduire la p
autre de ses ports.

Si la prise est escortée par un navire de guerre, le
les hommes mis à bord par le capteur sont autori
sur le navire d'escorte.

Si la prise voyage seule, le personnel placé à son
capteur est laissé en liberté.

ARTICLE 20

Belligerent war-ships which have shipped fuel in a port belonging to a neutral power may not within the succeeding three months replenish their supply in a port of the same power.

ARTICLE 21

A prize may only be brought into a neutral port on account of unseaworthiness, stress of weather, or want of fuel or provisions.

It must leave as soon as the circumstances which justified its entry are at an end. If it does not, the neutral power must order it to leave at once; should it fail to obey, the neutral power must employ the means at its disposal to release it with its officers and crew and to intern the prize crew.

ARTICLE 22

A neutral power must, similarly, release a prize brought into one of its ports under circumstances other than those referred to in Article 21.

ARTICLE 23

A neutral power may allow prizes to enter its ports and roadsteads, whether under convoy or not, when they are brought there to be sequestrated pending the decision of a prize court. It may have the prize taken to another of its ports.

If the prize is convoyed by a war-ship, the prize crew may go on board the convoying ship.

If the prize is not under convoy, the prize crew are left at liberty.

ARTICLE 24

If, notwithstanding the notification of the neutral power, a belligerent ship of war does not leave a port where it is not entitled to remain, the neutral power is entitled to take such measures as it considers necessary to render the ship incapable



assujettis aux mesures r
trait nécessaire de leur imposer. Toutefo
laisser sur le navire les hommes nécessaires
Les officiers peuvent être laissés libres
ment sur parole de ne pas quitter le territoi
risation.

ARTICLE 25

Une Puissance neutre est tenue d'exerce
que comportent les moyens dont elle dispose
dans ses ports ou rades et dans ses eaux to
dispositions qui précèdent.

ARTICLE 26

L'exercice par une Puissance neutre des droits
présente Convention ne peut jamais être considé
acte peu amical par l'un ou par l'autre belligérant
les articles qui s'y réfèrent.

ARTICLE 27

Les Puissances contractantes se communiqueront
ment, en temps utile, toutes les lois, ordonnances et
positions réglant chez elles le régime des navires de gue
érants dans leurs ports et leurs eaux, au moyen d'une no
adressée au Gouvernement des Pays-Bas et
diatement par celui-ci aux autres

of taking the sea during the war, and the commanding officer of the ship must facilitate the execution of such measures.

When a belligerent ship is detained by a neutral power, the officers and crew are likewise detained.

The officers and crew thus detained may be left in the ship or kept either on another vessel or on land, and may be subjected to the measures of restriction which it may appear necessary to impose upon them. A sufficient number of men for looking after the vessel must, however, be always left on board.

The officers may be left at liberty on giving their word not to quit the neutral territory without permission.

ARTICLE 25

A neutral power is bound to exercise such surveillance as the means at its disposal allow to prevent any violation of the provisions of the above articles occurring in its ports or roadsteads or in its waters.

ARTICLE 26

The exercise by a neutral power of the rights laid down in the present convention can under no circumstances be considered as an unfriendly act by one or other belligerent who has accepted the article relating thereto.

ARTICLE 27

The contracting powers shall communicate to each other in due course all laws, proclamations, and other enactments regulating in their respective countries the status of belligerent warships in their ports and waters, by means of a communication addressed to the Government of the Netherlands, and forwarded immediately by that Government to the other contracting powers.

ARTICLE 28

The provisions of the present convention do not apply except to the contracting powers, and then only if all the belligerents are parties to the convention.

dépôts ultérieurs de ratifications se f
notification écrite, adressée au Gouvernem
accompagnée de l'instrument de ratificatio

Copie certifiée conforme du procès-verbal
dépôt de ratifications, des notifications men
précédent, ainsi que des instruments de ratifi
diatement remise par les soins du Gouvernem
et par la voie diplomatique aux Puissances co
ième Conférence de la Paix, ainsi qu'aux autre
auront adhéré à la Convention. Dans les cas v
précédent, ledit Gouvernement leur fera conn
temps la date à laquelle il a reçu la notification.

ARTICLE 30

Les Puissances non signataires sont admises à
présente Convention.

La Puissance qui désire adhérer notifie par écrit so
au Gouvernement des Pays-Bas en lui transmett
d'adhésion qui sera déposé dans les archives dudit
ment.

Ce Gouvernement transmettra immédiatement à t
autres Puissances copie certifiée conforme de la notificat
que de l'acte d'adhésion, en indiquant la date à laqu
reçu la notification.

ARTICLE 31

La présente Convention
auront

ARTICLE 29

The present convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the representatives of the powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government, through the diplomatic channel, to the powers invited to the Second Peace Conference, as well as to the other powers which have adhered to the convention. In the cases contemplated in the preceding paragraph, the said Government shall inform them at the same time of the date on which it received the notification.

ARTICLE 30

Non-signatory powers may adhere to the present convention

The power which desires to adhere notifies in writing its intention to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

That Government shall at once transmit to all the other powers a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

ARTICLE 31

The present convention shall come into force, in the case of the powers which were a party to the first deposit of the ratifications, sixty days after the date of the *procès-verbal* of that deposit and, in the case of the powers who ratify subsequently or who adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

S'il arrivait qu'une des
noncer la présente Conventi
écrit au Gouvernement des
diatement copie certifiée con
autres Puissances en leur fai
reçue.

La dénonciation ne produir
sance qui l'aura notifiée et u
sera parvenue au Gouvernemer

ARTIC

Un registre tenu par le Minist
Pays-Bas indiquera la date du dé
vertu de l'article 29 alinéas 3 et
auront été reçues les notifications
2) ou de dénonciation (article 32 a

Chaque Puissance contractante
naissance de ce registre et à en der
conformes.

En foi de quoi, les Plénipotentiai
Convention de leurs signatures.

Fait à La Haye, le dix-huit octobre
seul exemplaire qui restera déposé d
vernement des Pays-Bas et dont des co
seront remises par la voie diplomatique
été conviées à la Deuxième Conférence d

ARTICLE 32

In the event of one of the contracting powers wishing to denounce the present convention, the denunciation shall be notified in writing to the Netherland Government, who shall at once communicate a duly certified copy of the notification to all the other powers, informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying power, and one year after the notification has been made to the Netherland Government.

ARTICLE 33

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made by virtue of Article 29, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 30, paragraph 2) or of denunciation (Article 32, paragraph 1) have been received.

Each contracting power is entitled to have access to this register and to be supplied with duly certified extracts.

In faith whereof the plenipotentiaries have appended their signatures to the present convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the powers which have been invited to the Second Peace Conference.[1]

[1] On April 17, 1908, the Senate of the United States, in executive session, advised and consented as follows to the ratification of the convention concerning the rights and duties of neutral powers in naval war, signed October 18, 1907:

"reserving and excluding, however, Article 23 thereof, which is in the following words:

"'A neutral power may allow prizes to enter its ports and roadsteads, whether under convoy or not, when they are brought there to be sequestrated pending the decision of a prize court. It may have the prize taken to another of its ports.

"'If the prize is convoyed by a war-ship, the prize crew may go on board the convoying ship.

"'If the prize is not under convoy, the prize crew are left at liberty.'

"*Resolved further*, That the United States adheres to this convention

DECLARATION RELATIVE À L'T
LANCER DES PROJECTILES E
DU HAUT DE BALLONS

Les soussignés, Plénipotentiaires des P
la Deuxième Conférence Internationale de
dûment autorisés à cet effet par leurs Gouv
s'inspirant des sentiments qui ont trouvé
la Déclaration de St. Pétersbourg du 29 novem
11 décem
renouveler la déclaration de La Haye du 29 j
à expiration,

Déclarent:

Les Puissances contractantes consentent,
allant jusqu'à la fin de la Troisième Conféren
l'interdiction de lancer des projectiles et des e
de ballons ou par d'autres modes analogues nou

La présente Déclaration n'est obligatoire que
sances contractantes, en cas de guerre entre deu
d'entre elles.

Elle cessera d'être obligatoire du moment où, ds
entre des Puissances contractantes, une Puissance
tante se joindrait à l'un des belligérants.

La présente Déclaration sera ratifiée dans le plu
possible.

Les ratifications seront déposées à La Haye.

Il sera dressé du dépôt des ratifications un procès-v
une copie, certifiée conforme, sera remise par la v
matique à toutes les Puissances contractantes.

Les Puissances non signataires pourront adhérer à l
Déclaration. Elles auront, à cet effet, à faire conn
adhésion aux Puissances contractantes, au moyen d'une
tion écrite, adressée au Gouvernement des Pays-Bas
muniquée par celui-ci à toutes les autres Puissan
tantes.

DECLARATION PROHIBITING THE DISCHARGE OF PROJECTILES AND EXPLOSIVES FROM BALLOONS

The undersigned, plenipotentiaries of the powers invited to the Second International Peace Conference at The Hague, duly authorized to that effect by their governments.

Inspired by the sentiments which found expression in the declaration of St. Petersburg of the 29th November (11th December), 1868, and being desirous of renewing the declaration of The Hague of the 29th July, 1899, which has now expired,

Declare:

The contracting powers agree to prohibit, for a period extending to the close of the Third Peace Conference, the discharge of projectiles and explosives from balloons or by other new methods of a similar nature.

The present declaration is only binding on the contracting powers in case of war between two or more of them.

It shall cease to be binding from the time when, in a war between the contracting powers, one of the belligerents is joined by a non-contracting power.

The present declaration shall be ratified as soon as possible.

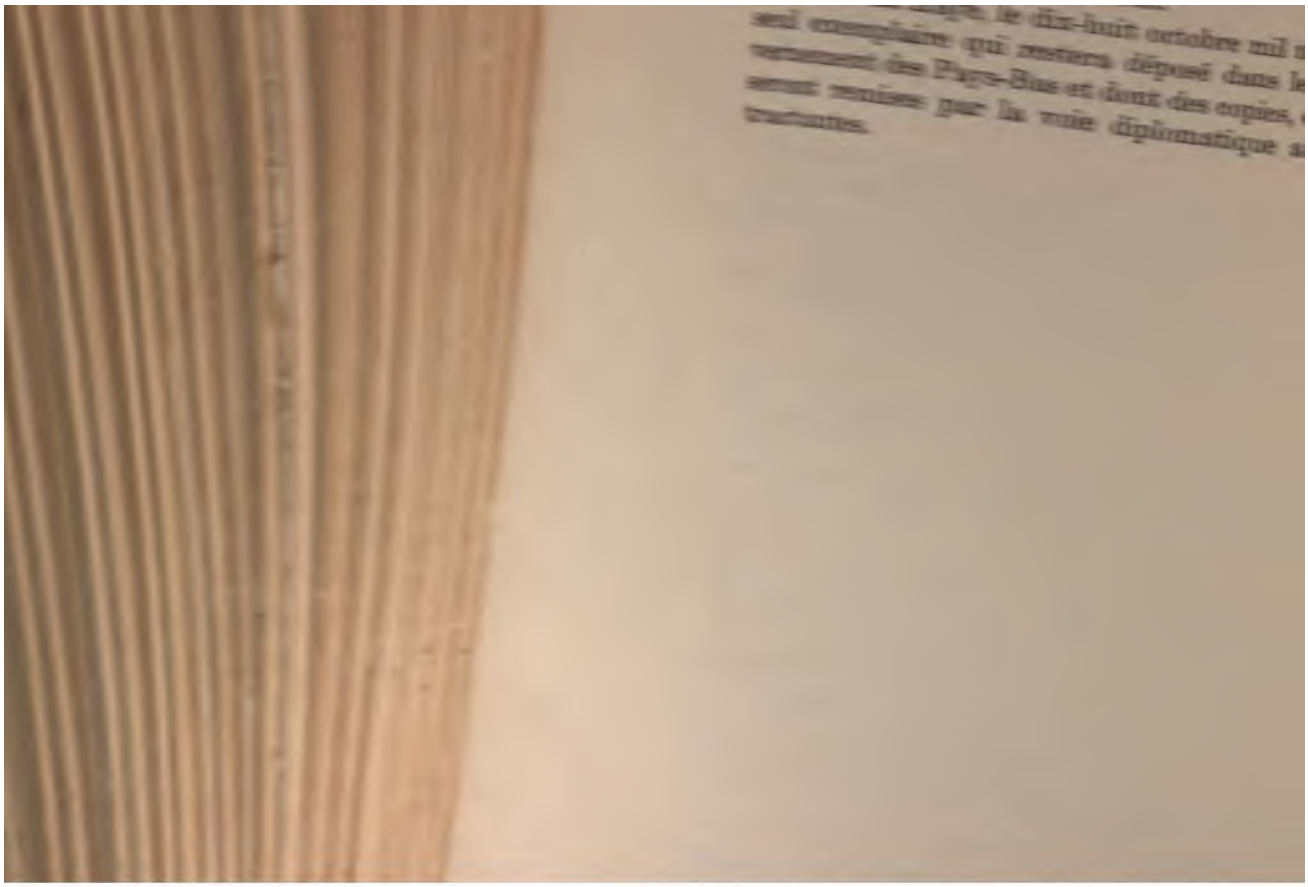
The ratifications shall be deposited at The Hague.

A *procès-verbal* shall be drawn up recording the receipt of the ratifications, of which a duly certified copy shall be sent, through the diplomatic channel, to all the contracting powers.

Non-signatory powers may adhere to the present declaration. To do so, they must make known their adhesion to the contracting powers by means of a written notification, addressed to the Netherland Government, and communicated by it to all the other contracting powers.

In the event of one of the high contracting parties denouncing the present declaration, such denunciation shall not take effect until a year after the notification made in writing to the Nether-

with the understanding that the last clause of Article 3 implies the duty of a neutral power to make the demand therein mentioned for the return of a ship captured within the neutral jurisdiction and no longer within that jurisdiction."—EDITOR.



land Government, and forthwith communicated by it to all the other contracting powers.

This denunciation shall only have effect in regard to the notifying power.

In faith whereof the plenipotentiaries have appended their signatures to the present declaration.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the contracting powers.[1]

[1] On March 12, 1908, the Senate of the United States, in executive session, advised and consented to the ratification of the declaration prohibiting the discharge of projectiles and explosives from balloons, signed October 18, 1907.—EDITOR.

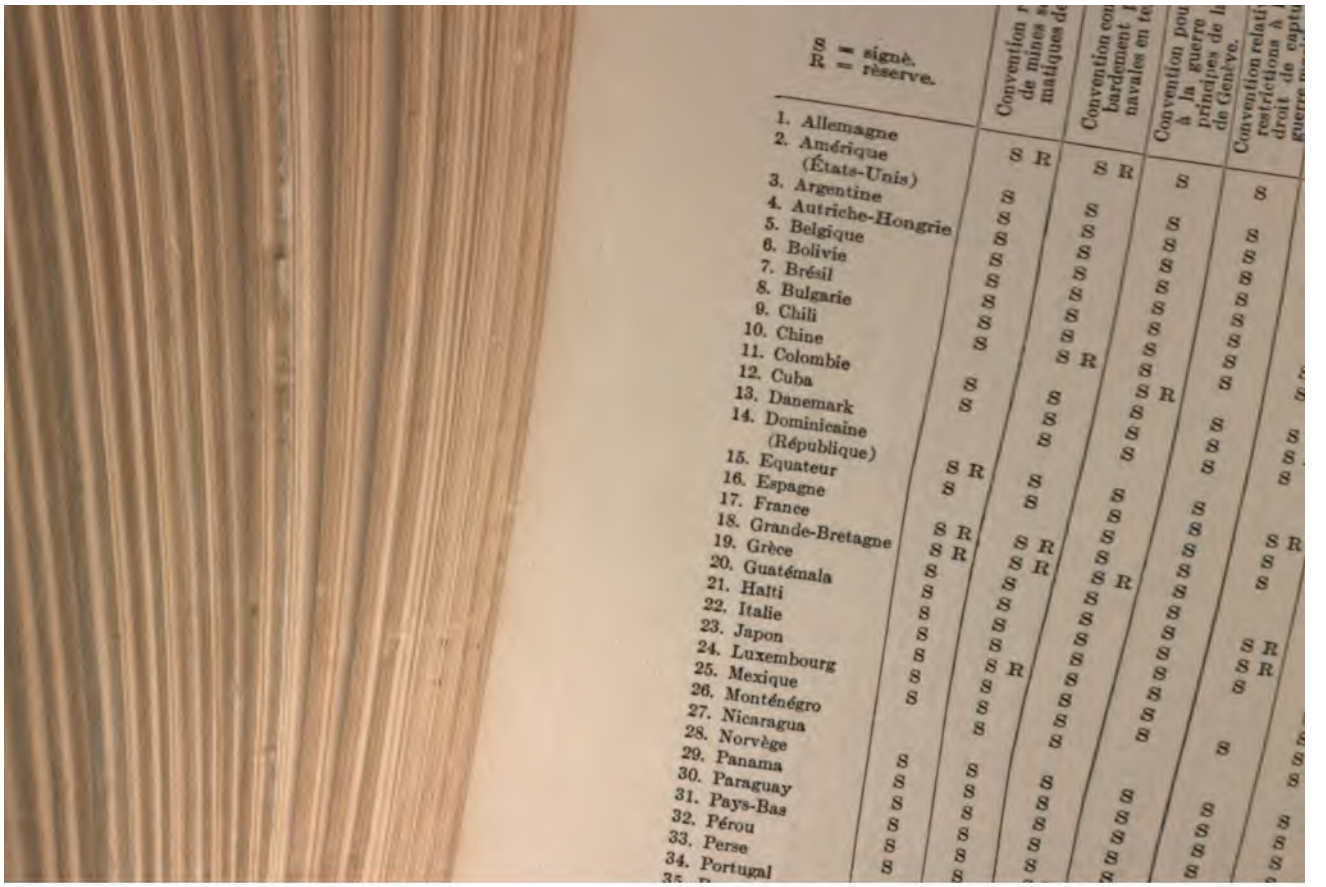
Table of Signatures Appended to the Hague Conference Conventions of 1907, and also of the Reservations Made (to June 30, 1908).

3-29

Date fixed by the final act, for the expiration of the delay for the signing of the instruments, with the exception of Convention XII

S = signed.
R = reserved.

	I Convention for the pacific settlement of international controversies.	II Convention concerning the limitation of the employment of force for the recovery of contract debts.	III Convention relating to the opening of hostilities.	IV Convention concerning the laws and customs of war on land.	V Convention concerning the rights and duties of neutral powers and persons in case of war on land.	VI Convention relating to the treatment of hostile merchant vessels at the beginning of hostilities.	VII Convention relating to the transformation of merchant vessels into war vessels.
1. Germany	S	S	S	S R	S	S R	S
2. United States of America	S R	S	S	S	S		
3. Argentina	S	S R	S	S	S R	S	S
4. Austria-Hungary	S	S	S R	S R	S	S	S
5. Belgium	S		S	S	S	S	S
6. Bolivia	S	S R	S	S	S	S	S
7. Brazil	S R		S	S	S	S	S
8. Bulgaria	S	S	S	S	S	S	S
9. Chile	S R	S	S	S	S	S	S
10. China	S						
11. Colombia	S	S R	S	S	S	S	S
12. Cuba	S	S	S	S	S	S	S
13. Denmark	S	S	S	S	S	S	S
14. Dominican Republic	S	S R	S	S	S	S	
15. Ecuador	S	S R	S	S	S	S	S
16. Spain	S	S	S		S	S	S
17. France	S	S	S	S	S	S	S
18. Great Britain	S	S	S	S	S R	S	S
19. Greece	S R	S R	S	S	S	S	S
20. Guatemala	S	S R	S	S	S	S	S
21. Haiti	S	S	S	S	S	S	S
22. Italy	S	S	S	S	S	S	S
23. Japan	S R	S	S	S R	S	S	S
24. Luxembourg	S		S	S	S	S	S
25. Mexico	S	S	S	S	S	S	S
26. Montenegro	S	S	S	S R	S	S	S
27. Nicaragua							
28. Norway	S	S	S	S	S	S	S
29. Panama	S	S	S	S	S	S	S
30. Paraguay	S	S	S	S	S	S	S
31. Netherlands	S	S	S	S	S	S	S
32. Peru	S	S R	S	S	S	S	S
33. Persia	S	S	S	S	S	S	S
34. Portugal	S	S	S	S	S	S	S
35. Roumania	S R		S	S	S	S	S
36. Russia	S	S	S	S R	S	S R	S
37. Salvador	S	S R	S	S	S	S	S
38. Servia	S	S	S	S	S	S	S
39. Siam	S		S	S	S	S	S
40. Sweden	S		S	S	S	S	S
41. Switzerland	S R		S	S	S	S	S
42. Turkey	S R	S	S	S R	S	S	S R
43. Uruguay	S	S R	S	S	S	S	
44. Venezuela	S		S	S	S	S	S



S = signé.
R = réserve.

	Convention relative à la pose de mines sous-marines automatiques de contact	Convention concernant le bombardement par forces navales en temps de guerre	Convention pour l'application à la guerre maritime des principes de la Convention de Genève.	Convention relative aux restrictions à l'exercice du droit de capture dans la guerre maritime
1. Allemagne	S R	S R	S	S
2. Amérique (États-Unis)	S	S	S	S
3. Argentine	S	S	S	S
4. Autriche-Hongrie	S	S	S	S
5. Belgique	S	S	S	S
6. Bolivie	S	S	S	S
7. Brésil	S	S R	S	S
8. Bulgarie	S	S	S	S
9. Chili	S	S	S	S
10. Chine	S	S	S	S
11. Colombie	S	S	S R	S
12. Cuba	S	S	S	S
13. Danemark	S	S	S	S
14. Dominicaine (République)	S	S	S	S
15. Equateur	S R	S	S	S
16. Espagne	S	S	S	S
17. France	S	S	S	S
18. Grande-Bretagne	S R	S	S	S R
19. Grèce	S R	S R	S	S
20. Guatémala	S	S R	S R	S
21. Haïti	S	S	S	S
22. Italie	S	S	S	S
23. Japon	S	S	S	S
24. Luxembourg	S	S	S	S
25. Mexique	S	S R	S R	S R
26. Monténégro	S	S	S	S R
27. Nicaragua		S	S	S
28. Norvège	S	S	S	S
29. Panama	S	S	S	S
30. Paraguay	S	S	S	S
31. Pays-Bas	S	S	S	S
32. Pérou	S	S	S	S
33. Perse	S	S	S	S
34. Portugal	S	S	S	S

Table of Signatures Appended to the Hague Conference Conventions of 1907, and also of the Reservations Made (to June 30, 1908)—Continued.

Date fixed by the final act, for the expiration of the delay for the signing of the instruments, with the exception of Convention XII

S = signed. R = reserved.	VIII Convention relating to the laying of automatic submarine contact mines.	IX Convention concerning bombardment by naval forces in time of war.	X Convention for the adaptation of the principles of the Geneva Convention to maritime warfare.	XI Convention relating to certain restrictions in the exercise of the right of capture in maritime war.	XII Convention relative to the establishment of an International Prize Court.	XIII Convention concerning the rights and duties of neutral powers in case of maritime war.	XIV Declaration relative to prohibiting the throwing down of projectiles and explosives from balloons.	XV The final act.
1. Germany	S R	S R	S	S	S	S R		S
2. United States of America	S	S	S	S	S		S	S S
3. Argentina	S	S	S	S	S	S	S	S
4. Austria-Hungary	S	S	S	S	S	S	S	S
5. Belgium	S	S	S	S	S	S	S	S
6. Bolivia	S	S	S	S	S	S	S	S
7. Brazil	S	S	S	S		S	S	S
8. Bulgaria	S	S	S	S	S	S	S	S
9. Chile	S	S R	S	S	S R	S		S
10. China			S R				S	S
11. Colombia	S	S	S	S	S	S	S	S
12. Cuba	S	S	S	S	S R		S	S
13. Denmark	S	S	S	S	S	S		S
14. Dominican Republic	S R	S	S	S		S R	S	S
15. Ecuador	S	S	S	S	S R	S	S	S
16. Spain			S	S	S			S
17. France	S R	S R	S	S	S	S		S
18. Great Britain	S R	S R	S R	S		S R	S	S
19. Greece	S	S	S	S		S	S	S
20. Guatemala	S	S	S	S	S R	S		S
21. Haiti	S	S	S	S	S R	S	S	S
22. Italy	S	S	S	S	S	S		S
23. Japan	S	S R	S	S		S R		S
24. Luxembourg	S	S	S	S		S	S	S
25. Mexico	S	S	S	S	S	S		S
26. Montenegro		S	S			S		S
27. Nicaragua								S
28. Norway	S	S	S	S	S	S	S	S
29. Panama	S	S	S	S	S	S	S	S
30. Paraguay	S	S	S	S	S	S		
31. Netherlands	S	S	S	S	S	S	S	S
32. Peru	S	S	S	S	S	S	S	S
33. Persia	S	S	S R	S	S R	S R	S	S
34. Portugal		S	S	S	S	S	S	S
35. Roumania	S	S	S	S		S		S
36. Russia		S	S			S		S
37. Salvador	S	S	S	S	S R	S	S	S
38. Servia	S	S	S	S		S		S
39. Siam	S R	S	S	S	S R	S R	S	S
40. Sweden		S	S	S	S	S		S
41. Switzerland	S	S	S	S	S	S	S	S R
42. Turkey	S R	S	S R	S	S R	S R	S	S
43. Uruguay	S	S	S	S	S R	S	S	S
44. Venezuela	S	S	S	S		S		S



Chili.—Sous la réserve de la Décla
propos de l'article 39 dans la 7ème s
de la première Commission.
Grèce.—Avec la réserve de l'alinéa 2
Japon.—Avec réserves des alinéas 3 et
de l'alinéa 2 de l'article 53 et de l'art
Roumanie.—Avec les mêmes réserves
les plénipotentiaires roumains à la
convention pour le règlement pacifiq
internationaux du 29 juillet 1899.
Suisse.—Sous réserve de l'article 53, chif
Turquie.—Sous réserve des déclaration
procès-verbal de la 9e séance plénière de
du 16 octobre 1907.

II. Argentine.—La République Argentine fait
suivantes:

1. En ce qui concerne les dettes provenant
ordinaires entre le ressortissant d'une nat
gouvernement étranger, on n'aura recours
trage que dans le cas spécifique de déni d
par les juridictions du pay du contrat, qui
être préalablement épuisés.

2. Les emprunts publics, avec émission de bons,
tuant la dette nationale, ne pourront donner l
aucun cas, à l'agression militaire ni à l'occu
matérielle du sol des nations
Bolivie.—Sous

RESERVATIONS

I.[1] America.—Under reservation of the declaration made in the plenary session of the Conference of October 16, 1907.

Brazil.—With reservation as to Article 53, paragraphs 2, 3, and 4.

Chile.—Under reservation of the declaration formulated with regard to Article 39 in the seventh session of October 7 of the First Commission.

Greece.—With reservation of paragraph 2 of Article 53.

Japan.—With reservation of paragraphs 3 and 4 of Article 48, paragraph 2 of Article 53, and of Article 54.

Roumania.—With the same reservations formulated by the Roumanian plenipotentiaries in signing the Convention for the pacific settlement of international controversies of July 29, 1899.

Switzerland.—Under reservation of Article 53, number 2.

Turkey.—Under reservation of the declarations inserted in the *procès-verbal* of the ninth plenary session of the Conference of October 16, 1907.

II. Argentina.—The Argentine Republic makes the following reservations:

1. With regard to debts arising from ordinary contracts between the citizens or subjects of a nation and a foreign government, recourse shall not be had to arbitration except in the specific case of a denial of justice by the courts of the country where the contract was made, the remedies before which courts must first have been exhausted.
2. Public loans, secured by bond issues and constituting the national debt, shall in no case give rise to military aggression or the material occupation of the soil of American nations.

Bolivia.—Under the reservation stated to the First Commission.

Colombia.—Colombia makes the following reservations: She does not agree to the employment of force in any

[1] The Roman numerals refer to the numbers of the conventions as listed in the Final Act, pp. 285–287.



réserves fi
première du 16 octobre 1907.

Grèce.—Avec la réserve faite dans
16 octobre 1907.

Guatémala.—1. En ce qui concerne
de contrats ordinaires entre les
nation et un gouvernement étrang
à l'arbitrage que dans le cas de dé
par les juridictions du pays du co
être préalablement épuisés.

2. Les emprunts publics avec émission
ant des dettes nationales ne pourr
en aucun cas, à l'agression militaire
matérielle du sol des nations américa

Pérou.—Sous la réserve que les princip
cette convention ne pourront pas s'a
réclamations ou différends provenan
passés par un pays avec des sujets étr
dans ces contrats il aura été express
que les réclamations ou differends devr
mis aux juges et tribunaux du pays.

Salvador.—Nous faisons les mêmes réserv
publique Argentine ci-dessus.

Uruguay.—Sous réserve du second alinéa
premier, parce que la Délégation consi
refus de l'arbitrage pourra se faire toujo
droit si la loi fondementale du

case for the recovery of debts, whatever be their nature. She accepts arbitration only after a final decision has been rendered by the courts of the debtor nations.

Dominican Republic.—With the reservation made at the plenary session of October 16, 1907.

Ecuador.—With the reservations made at the plenary session of October 16, 1907.

Greece.—With the reservation made at the plenary session of October 16, 1907.

Guatemala.—1. With regard to debts arising from ordinary contracts between the citizens or subjects of a nation and a foreign government, recourse shall be had to arbitration only in case of a denial of justice by the courts of the country where the contract was made, the remedies before which courts must first have been exhausted.

2. Public loans secured by bond issues and constituting national debts shall in no case give rise to military aggression or the material occupation of the soil of American nations.

Peru.—Under the reservation that the principles laid down in this Convention shall not be applicable to claims or differences arising from contracts concluded by a country with foreign subjects when it has been expressly stipulated in these contracts that the claims or differences must be submitted to the judges or courts of the country.

Salvador.—We make the same reservations as the Argentine Republic above.

Uruguay.—Under reservation of the second paragraph of Article 1, because the Delegation considers that arbitration may always be refused as a matter of right if the fundamental law of the debtor nation, prior to the contract which has given rise to the doubts or disputes, or this contract itself, has stipulated that such doubts or disputes shall be settled by the courts of the said nation.

IV. Germany.—Under reservation of Article 44 of the annexed Regulations.

Autriche-Hongrie.—Sous réserve de la déclar
dans la séance plénière de la Conférence d
1907.

Japon.—Avec réserve de l'article 44.

Monténégro.—Sous réserves formulées à l'arti
Règlement annexé à la présente Convention
signées au procès-verbal de la quatrième séan
ère du 17 août 1907.

Russie.—Sous réserves formulées à l'article 44 d
lement annexé à la présente Convention, et cons
au procès-verbal de la quatrième séance pléniè
17 août 1907.

Turquie.—Sous réserve de l'article 3.

V. Argentine.—La République Argentine fait réserv
l'article 19.

Grande Bretagne.—Sous réserve des articles 16, 17, et

VI. Allemagne.—Sous réserve de l'article 3 et de l'arti
4, alinéa 2.

Russie.—Sous réserves formulées à l'article 3 et
l'article 4 alinéa 2 de la présente Convention et con-
signées au procès-verbal de la septième séance plé-
nière du 27 septembre 1907.

VII. Turquie.—Sous réserve de la déclaration faite à la 8
séance plénière de la Conférence du 9 octobre 1907.

VIII. Allemagne.—Sous réserve de l'article 2.

République Dominicaine.—Avec réserve sur l'alinéa
premier de l'article premier.

France.—Sous réserve de l'article II.

Grande Bretagne.—Sous réserve de la déclaration sui-
vante: "En apposant leurs signatures à cette Con-
vention, les plénipotentiaires britaniques déclarent
que le simple fait que la dite convention ne défend
tel acte ou tel procédé, ne doit pas être considér
comme privant le Gouvernement de Sa Majest
Britannique du droit de contester la légalité dudi
acte ou procédé."

Siam.—Sous réserve de l'article 1 alinéa 1.

Turquie.—Sous réserves des déclarations consignées a

Austria-Hungary.—Under reservation of the declaration made at the plenary session of the Conference of August 17, 1907.

Japan.—With reservation as to Article 44.

Montenegro.—Under the reservations formulated in Article 44 of the Regulations annexed to the present Convention and contained in the minutes of the fourth plenary session of August 17, 1907.

Russia.—Under the reservations formulated in Article 44 of the Regulations annexed to the present Convention and contained in the minutes of the fourth plenary session of August 17, 1907.

Turkey.—Under reservation of Article 3.

V. Argentina.—The Argentine Republic makes reservation of Article 19.

Great Britain.—Under reservation of Articles 16, 17, and 18.

VI. Germany.—Under reservation of Article 3 and of Article 4, paragraph 2.

Russia.—Under the reservations formulated in Article 3 and Article 4, paragraph 2, of the present Convention, and embodied in the minutes of the seventh plenary session of September 27, 1907.

VII. Turkey.—Under reservation of the declaration made at the eighth plenary session of the Conference of October 9, 1907.

VIII. Germany.—Under reservation of Article 2.

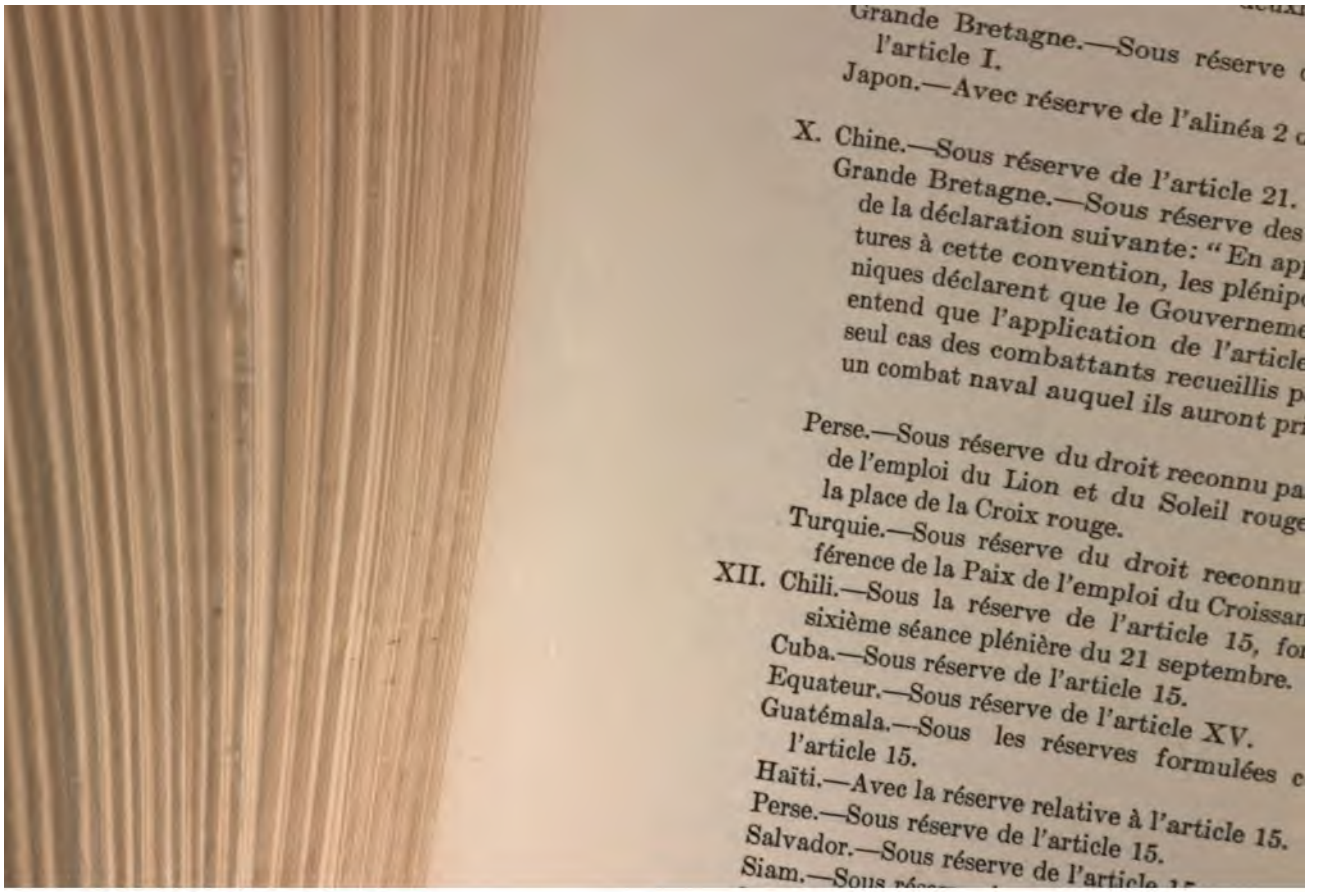
Dominican Republic—With reservation as to the first paragraph of Article 1.

France.—Under reservation of Article II.

Great Britain.—Under reservation of the following declaration: "In affixing their signatures to this Convention the British plenipotentiaries declare that the mere fact that the said Convention does not prohibit a particular act or proceeding, is not to be considered as depriving the Government of His Britannic Majesty of the right to contest the legality of the said act or proceeding."

Siam.—Under reservation of Article 1, paragraph 1.

Turkey.—Under reservation of the declarations inserted



Grande Bretagne.—Sous réserve
l'article I.
Japon.—Avec réserve de l'alinéa 2

X. Chine.—Sous réserve de l'article 21.
Grande Bretagne.—Sous réserve des
de la déclaration suivante: "En ap
tures à cette convention, les plénip
niques déclarent que le Gouverneme
entend que l'application de l'article
seul cas des combattants recueillis p
un combat naval auquel ils auront pr

Perse.—Sous réserve du droit reconnu pa
de l'emploi du Lion et du Soleil rouge
la place de la Croix rouge.
Turquie.—Sous réserve du droit reconnu
férence de la Paix de l'emploi du Croissan
XII. Chili.—Sous la réserve de l'article 15, fo
sixième séance plénière du 21 septembre.
Cuba.—Sous réserve de l'article 15.
Equateur.—Sous réserve de l'article XV.
Guatémala.—Sous les réserves formulées c
l'article 15.
Haïti.—Avec la réserve relative à l'article 15.
Perse.—Sous réserve de l'article 15.
Salvador.—Sous réserve de l'article
Siam.—Sous

in the *procès-verbal* of the eighth plenary session of the Conference of October 9, 1907.

IX. Germany.—Under reservation of Article I, paragraph 2.

Chile.—Under reservation of Article 3, formulated during the fourth plenary session of August 17.

France.—Under reservation of the second paragraph of Article I.

Great Britain.—Under reservation of the second paragraph of Article I.

Japan.—With reservation of the second paragraph of the first article.

X. China.—Under reservation of Article 21.

Great Britain.—Under reservation of Articles 6 and 21 and of the following declaration: "In affixing their signatures to this Convention, the British plenipotentiaries declare that His Majesty's Government understands that the application of Article 12 is confined to the case of combatants taken on board during or after a naval combat in which they have taken part."

Persia.—Under reservation of the right, recognized by the Conference to use the Lion and Red Sun instead of and in the place of the Red Cross.

Turkey.—Under reservation of the right recognized by the Peace Conference to employ the Red Crescent.

XII. Chile.—Under reservation of Article 15, formulated at the sixth plenary session of September 21.

Cuba.—Under reservation of Article 15.

Ecuador.—Under reservation of Article XV.

Guatemala.—Under the reservations formulated concerning Article 15.

Haiti.—With the reservation regarding Article 15.

Persia.—Under reservation of Article 15.

Salvador.—Under reservation of Article 15.

Siam.—Under reservation of Article 15.

Turkey.—Under reservation of Article 15.

Uruguay.—Under reservation of Article 15.

XIII. Germany.—Under reservation of Articles 11, 12, 13, and 20.

Dominican Republic.—With reservation regarding Article 12.

Grande Bretagne.—Sous réserve de
Japon.—Avec réserve des articles 1
Perse.—Sous réserve des articles 12,
Siam.—Sous réserve des articles 12,
Turquie.—Sous réserve de la décla
l'article 10 portée au procès-verba
plénière de la Conférence du 9 octo

Suisse.—Sous réserve du Vœu no. 1
Fédéral Suisse n'accepte pas.

Great Britain.—Under reservation of Articles 19 and 23.
Japan.—With reservation of Articles 19 and 23.
Persia.—Under reservation of Articles 12, 19, and 21.
Siam.—Under reservation of Articles 12, 19, and 23.
Turkey.—Under reservation of the declaration concerning Article 10, inserted in the *procès-verbal* of the eighth plenary session of the Conference of October 9, 1907.

Switzerland.—Under reservation of recommendation No. 1, which the Federal Council did not accept.



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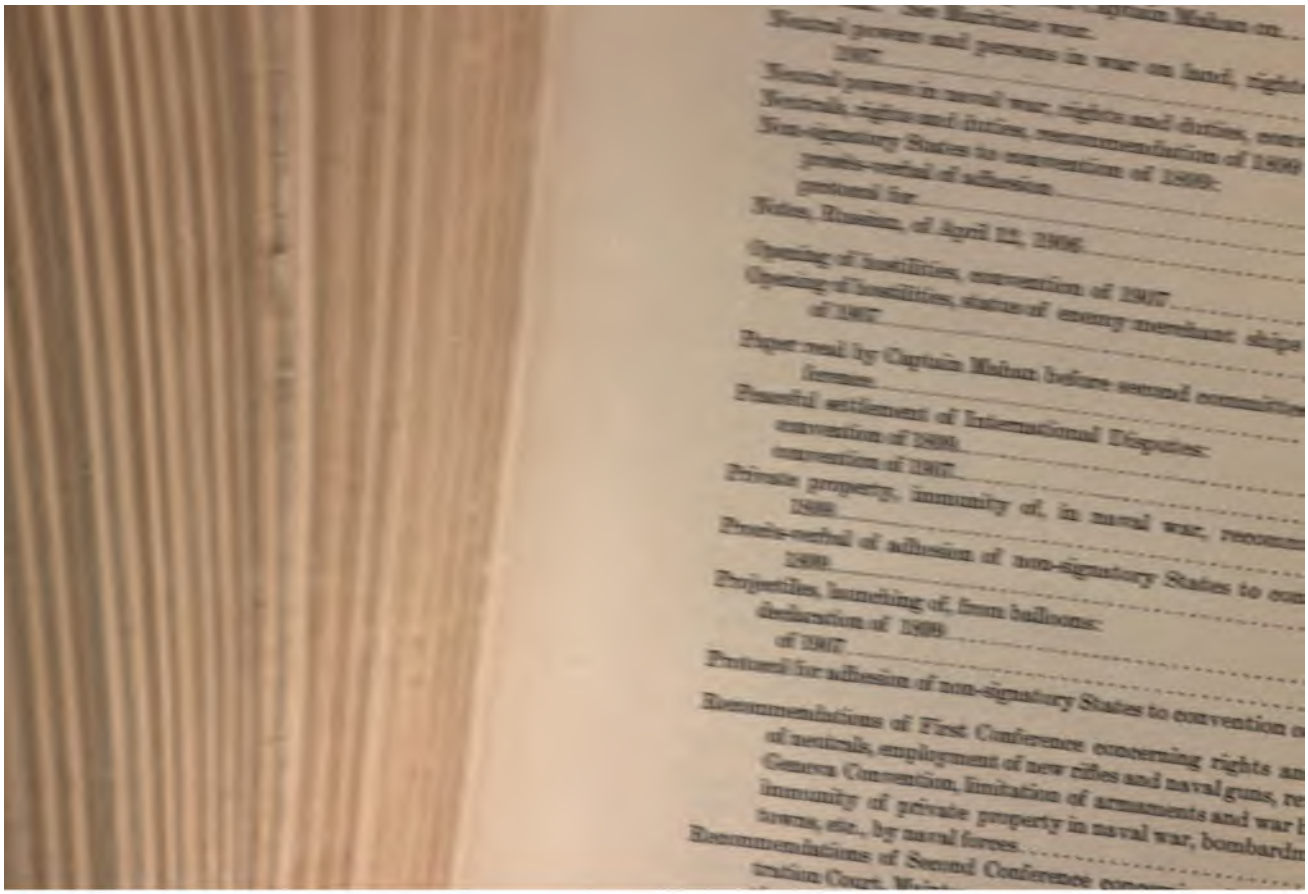
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